MISSISSIPPI LAW JOURNAL

PROCEEDINGS
MISSISSIPPI STATE BAR

FIFTY-EIGHTH ANNUAL MEETING

October 1963

VOLUME XXXIV NUMBER 4

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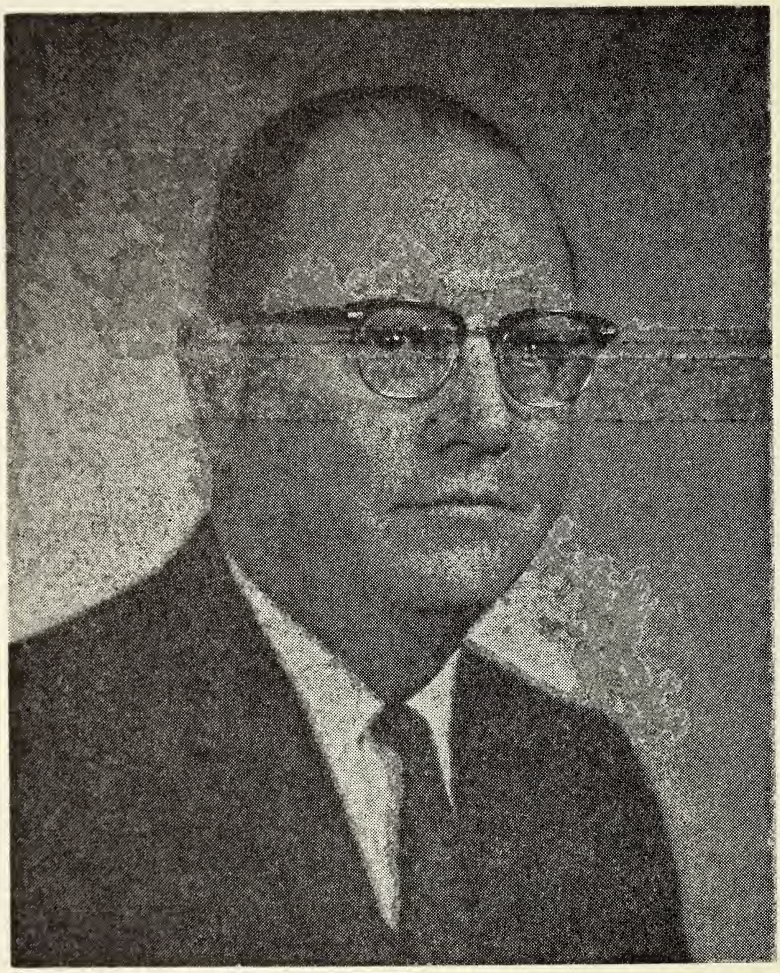

C. SIDNEY CARLTON
Retiring President of Mississippi State Bar

PROCEEDINGS OF THE FIFTY-EIGHTH ANNUAL MEETING

OF THE

Mississippi State Bar

Held at Jackson, Mississippi, on June 19-22, 1963

The First General Assembly was called to order in the Hotel Heidelberg in Jackson, Mississippi, at 2 p.m., June 19, 1963, by Mr. C. Sidney Carlton, President of the Mississippi State Bar.

The invocation was delivered by the Reverend Christoph Keller, Jr., of Jackson.

An address of welcome was delivered by Mr. Shelby R. Rogers of Jackson, and was responded to by Mr. Edward Currie of Hattiesburg.

Mr. N. S. Sweat, Jr., of Corinth then introduced Mr. W. N. Ethridge, Jr., Associate Justice of the Supreme Court of Mississippi, who delivered the following address.

HOW TO WIN A CASE ON APPEAL

The Court and the Bar are old and indispensable friends. I say this first in a personal way. Some of us were classmates in the Ole Miss Law School in the mid-1930's. The mutual search for truth by teacher and student creates a warm friendship. Some of us shared that adventure in the Law School not too many years ago, and I have known all of you in and out of court on many occasions. Since becoming a member of the Mississippi State Bar in 1937, its activities and programs have been dear to me. I have tried to show that gratitude by serving the Bar in every possible way. So I appreciate the hospitality of this annual meeting of the Mississippi State Bar, and of those present here, and the high professional standards which you represent.

The law is made by the Bar even more than by the Bench. The learning, high sense of honor, and varied gifts of the many outstanding lawyers in Mississippi history have given the Bar of this State a reputation throughout the whole domain of the common law. But of course, the world has had its fling at lawyers and at the courts. For example, it never pays in an appellate argument to attack the trial judge whose opinion is being reviewed, but I heard one attorney start his argument

by saying, "This is an appeal from a judgment by Judge *A*, but there are numerous other good reasons for reversal."

The lawyer throughout the history of this nation has been an essential American institution. He understands the structure of our society, and resolves its problems by first principles. He takes his obligations seriously and fights his case for a client with all available resources. In that tradition, if he lost in the trial court, he appealed. If he lost there, he joined the client at the tavern in damning the judge—which is the last rite in closing an unsuccessful case, and I have officiated at many. But the American lawyer loves his profession. He has a real sense of dedication to the administration of justice, and renders and exacts courtesy, honor, and straightforwardness at the Bar.[1]

In recent years all kinds of books and articles have been written on a "how to . . ." theme, such as, "How to Win Friends and Influence People." So my topic is "How to Win a Case on Appeal." Nevertheless, this title may be somewhat misleading. More particularly, I shall talk with you about how to win a case on appeal *if* you have some of the facts and some of the law on your side. But I have deliberately adopted this title because I shall deal with an essential requirement for any skilled lawyer in an appellate court. No other phase of the practice of law is so misunderstood and so underestimated as the argument of an appeal. The Bar does not fully understand or appreciate its importance.

You all know the cautious lawyer who draws his pleadings in such a way that when he comes to trial he will have freedom of action with no issue closed—like the man who denied that his client was the father of said twins or either of them. So I wanted to keep for myself full freedom of action, and needed a title which would allow me to say anything without being called to order for irrelevance.

Specifically, I want to discuss the argument of an appeal before the supreme court. Referring to this subject many years ago, Mr. John W. Davis, the great advocate, suggested that such a talk should come not from a lawyer but from a judge—from one who is to be persuaded, rather than from an advocate. Accordingly he said: "Who would listen to a fisherman's weary discourse on fly-casting . . . if the fish himself could be induced to give his views on the most effective method of approach?"[2] So I merely offer some meditations by one of the fish, based upon hard-earned experience while in the practice and twelve years as a member of your state supreme court.

---

[1] Jackson, *Advocacy Before the Supreme Court*, 37 A.B.A.J. 801 (1951) [hereinafter cited as Jackson]; see Birkett, *The Art of Advocacy*, 34 A.B.A.J. 4 (1948).

[2] Jackson, *op. cit. supra* note 1.

I.

Lawyers sometimes question the value of the relatively short oral argument permitted: thirty minutes to a side and, upon special request, forty-five minutes to a side. In past years several judges of the court have also questioned the utility of oral argument and made no secret that they regarded it as a waste of time. Although I am speaking for myself alone, and not for the other judges, I believe that most, if not all of them, would agree that a clear exposition by oral argument is desirable, provided it is inspired as it should be with a single and sincere desire to be helpful to the court. Although the time allowed is short, the significance of that fact is that the shorter the time, the more precious is each minute. Most appellate judges form at least a tentative conclusion from oral presentations. Of course, there is no final commitment until a decision is announced, but certainly in many cases an inadequate argument will lose a case.

Mr. Justice Robert Jackson once noted that there is one imperative: "Never divide between two or more counsel the argument on behalf of a single interest. . . . When two lawyers undertake to share a single presentation, their two arguments at best will be somewhat overlapping, repetitious and incomplete and, at worst, contradictory, inconsistent and confusing." I recall one case which I was arguing with a fellow lawyer involving a government regulation. I was to argue the statute first, and my colleague was to interpret the regulation. However, the court refused to honor the division. In this argument "the Justices were intensely interested in the regulations, which I had not expected to discuss. By the time my associate took over, they had developed a lively interest in the statute, which was not his part of the case. No counsel should be permitted to take the floor in any case who is not willing to master and be able to present every aspect of it."[3]

Another practical question is whether counsel who conducted the case below should conduct its final review. If not, who should be counsel on appeal? Certainly no lawyer should hesitate to argue his own case merely because he has not appeared in the supreme court before. Having worked with the case throughout, he has some advantages over a lawyer brought in for argument on appeal. On the other hand, some trial lawyers, effective in trial work, are not temperamentally adapted to less dramatic appeal work, and sometimes the trial lawyer cannot forego bickering over petty issues which are no longer relevant to the case. And sometimes a fresh, objective, and more detached judgment and argument can be had from one who did not try the case. So in determining who is to argue an appeal, these differing considerations are matters for a practical decision by counsel in the trial court. What

[3] *Id.* at 802.

impresses the court is a cogent and concise argument, not a lawyer's eminence or florid oratory. And, if it is one's first case argued on appeal, do not undertake to ingratiate yourself by advising that it is an honor to appear or that it is your first case on appeal.

II.

There are certain specific rules which experience and observation show that an advocate on appeal should follow. Mr. Justice John M. Harlan has suggested there are four characteristics which will be found in every effective oral argument. First is selectivity, a lawyer's selection of issues to be argued. Second is simplicity, in both presentation and expression. Third is candor. This involves facing up to the weak points in your case as well as the strong ones. The fourth is resiliency. This implies an adeptness at replying clearly and concisely to questions by the court.[4]

Many great advocates have suggested various approaches to oral argument. Among them were John W. Davis and Robert H. Jackson. My own experience and observation confirm substantially the decalogue by which arguments should be governed, as developed by Mr. Davis.[5] I want to discuss those ten rules of advocacy, describing them from my own experiences, and adding some additional suggestions for whatever they may be worth.

(1) "Change places (in your imagination, of course) with the Court." Judges are simply lawyers who have had the opportunity of serving on the bench. They are honest, impartial, ready, and eager to reach a correct conclusion, but like everyone else, they are of different types. Some are learned, some less so; some are perceptive, and some have slower mental processes. You should expect nothing but fair treatment at their hands. Yet, the judges know nothing of the controversy and are simply acting in their sphere. You should supply the "instruments of decision." If your places were reversed, what would you first want to know about the case? Sometimes the mental habits of a particular judge or judges should be considered. And remember that the acoustics are not too good, so speak clearly and with sufficient volume.

(2) Counsel should "state first the nature of the case, and, briefly, its prior history." In a multitude of cases, the field of law involved is significant. We all have a tendency to orient our thinking to the type of question. Does it involve the law of contracts, torts, constitutional law, or what? This factor should be defined early in the argument. Then give the history of the case.

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[4]Harlan, *What Part Does the Oral Argument Play in the Conduct of an Appeal*, 41 CORNELL L.Q. 6 (1955).

[5]Davis, *The Argument of an Appeal*, 26 A.B.A.J. 895 (1940).

(3) "State the facts." A statement of facts is not merely a part of the argument, but, more often than not, the argument itself. Most contentions of law are won or lost on the facts. The judges' conference is usually given to determining under what rule of law the facts fall. Arguments sometime fail to tell what the case is about. One guide can be found in "the three C's—chronology, candor, and clarity." Candor involves the telling of the worst as well as the best. Purple passages cannot supply the absence of clarity. Statements of facts should be truthful but, of course, framed to show forth the essential merit of your client's cause. Maps and charts may be useful, but you should omit irrelevant or unimportant detail. Do not reargue, usually, a finding of fact. In general the argument should be correlated with the brief.

(4) "State next the applicable rules of law on which you rely." If the statement of facts is adequate, the court will already have sensed the legal questions at issue. They may be elementary, or, where divided opinion exists, it may be necessary to dwell on them at length. Precedents are important and frequently controlling. But more often the issues are unresolved, so counsel should emphasize the fairness and logic which he thinks support his views. In a practical sense the advocate must rely on original reasoning. He should avoid lengthy citations or quotations. The discriminating advocate selects the questions or issues that he will present orally.

In discussing questions of law the advocate must sometimes guess as to how much of the applicable law the judges already know. He must avoid both a lengthy discussion and the risk of omission. Certainly it is not safe to assume that the judges will recall the exact words of a statute or a document. It is a rather fruitless waste of time to recite case after case in oral argument. Analysis of one to three cases which you consider pertinent should be ample. I always look with suspicion upon a proposition with a page full of citations in its support. It is surprising how often counsel expound and explain a recent decision to the very men who made it. If accurate, it adds nothing to the court's knowledge, and if not, it discredits counsel's perception or fairness. Nor is it generally wise to refer to and quote dissents, except in rare instances. You take too much risk of identifying your contentions with the dissent and not with the majority decision.

(5) "Always go for the jugular vein." One advocate before the United States Supreme Court once stated to the Court that he proposed to divide his argument into three parts: In the first he said, "I shall state the relevant facts," next, "I shall propound the applicable principles of law," and third, "I shall make a lunge at the passions of the Court." The advocate should aim for the hub of the case. Every case has a cardinal point around which lesser points revolve. The temptation is to deal with minor points also, but there is no time and

rarely any occasion in oral argument for such diversions. The receptiveness of a judge's mind declines as the number of assigned errors increases. They dilute and weaken a good case, and will not save a bad one. Most assuredly, you should recognize there is some weakness in your case and squarely and candidly meet it. To delay meeting these issues is improvident; to attempt evasion of them is fatal.

(6) You should "rejoice when the Court asks questions." At least it gives an "assurance that the Court is not comatose, and that you have awakened at least a vestigial interest." Some courts ask more questions than others. But you can generally depend on the fact that the judges are listening carefully. However, they may not. Former Chief Justice Marvin B. Rosenberry of Wisconsin delights to tell of one such court, which was visited on a hot summer afternoon by a farmer and his young son. As counsel droned on, a fly lit on the exposed brow of one of the justices and he waved it away. The fly persisted and the justice repeated his movement, whereupon the farmer's boy nudged his father and exclaimed quite excitedly, "Look, Dad, one of them is alive!"

Questions from the bench give counsel a "chance to penetrate the mind of the Court," if he knows his case and has a sound position. And if a question requires a "No" answer, say it. If it calls for a concession, dispose of it the best you can. The court will have to do so before decision.

Do not evade or shuffle or postpone, no matter how embarrassing the question can be. Do not say, "I am coming to that," and then fail to do so. At least indicate what your answer will be. The judge is simply seeking help in deciding the case. Questions fairly put and frankly answered give to oral argument a vitality and spice that nothing else will supply. I used to say, when I was in the practice, that I made "three arguments of every case. First, came the one that I planned—as I thought, logical, coherent, complete. Second, was the one actually presented—interrupted, incoherent, disjointed, disappointing. The third was the utterly devastating argument that I thought of after going to bed that night."[6]

(7) "Read sparingly and only from necessity. The eye is the window of the mind," and the speaker must hold an audience by looking it in the face. Reading lengthy extracts is a sheer waste of time. Do not discuss detailed facts in other cases, because this confuses the facts of your case. What the advocate needs most of all is that his facts and his alone should stand out—stark, simple, unique, clear. Never read from your brief or from a memorandum you have prepared, unless you are quoting a statute or a document. If one's oral argument is simply reading the brief, he could as well stay home.

[6]Jackson, *op. cit. supra* note 1, at 803.

(8) "Avoid personalities." This is a hard saying, especially when one's feelings are ruffled by a lower court or by opposing counsel, but nonetheless it is worthy of all acceptation. This is emphasized not only by the law of courtesy, but by the sheer uselessness of personalities as a method of argument. Keep the mind of the court on the issues in hand. Avoid offending the sense of propriety.

(9) "Know your record from cover to cover." This is the *sine qua non* of all effective argument. You have now reached a point where you can no longer hope to supply the want of preparation by lucky accidents or mental agility. You have your last chance to win for your client. At any moment you may need to correct some misstatement by your adversary or furnish an apt reference to the record. You should become filled with your case, because you never know what collateral or tangential issue will suddenly come up. Notes consisting of headings and catch-words rather than detail help to get one back on the track, if one is thrown off by interruptions.

(10) By all means leave at home the associate who feels constantly impelled to tug at your coattails, to push briefs in front of you, or to pass up unasked-for suggestions while you are speaking. Moreover, it is not wise to have clients or parties in interest attend the argument if it can be avoided. Clients unfortunately desire, and their presence is apt to encourage, qualities in an argument least admired by judges. I can often tell when a client is in the courtroom. The case that is argued to please a client, impress a following in the audience, or attract notice from the press will not often make a favorable impression on the bench. An argument is not a spectacle.

(11) Do not waste time complaining that you do not have enough time. That is a confession of your own inadequacy to handle the case as the court's experience indicates it should be. Do not interrupt your efforts to find out about the time, thereby diverting the judge's mind to the clock, and off the case.

(12) The rules permit counsel, after making a fair opening, to reserve time for rebuttal. I would not say that rebuttal is never to be indulged. At times it supplies important and definite corrections. But the most experienced advocates make least use of rebuttal. Many inexperienced ones get into trouble by attempting to renew the principal argument. He exposes himself to an accumulation of questions. Cases have been lost that, before counsel undertook a long rebuttal, appeared to be won.

(13) "Sit down." You will no doubt have made an outline of your argument, and

> when you have run through this outline, and are satisfied that the court has fully grasped your contentions, what is there left for you to do? You must be vain indeed to hope that by further

> speaking you can dragoon the Court into a prompt decision in your favor. The mere fact that you have an allotted time . . . [of 30 or 45 minutes] more or less, does not constitute a contract with the Court to listen for that length of time.

When you round out your argument and sit down before your time has expired, a benevolent smile overspreads the faces on the Bench; and a sigh of relief arises from your brethren at the Bar who are waiting for the presentation of their cases.

III.

There is nothing new in the observations I have offered on the process of argument on appeal. "The need for an appellate process arises from the innate realization of mankind that the human intellect and human justice are frail at their best. It is necessary therefore to measure one man's mind against another in order to purge the final result, so far as may be, of all passion, prejudice or infirmity. It is the effort to realize the maximum of justice in human relations. . . ."[7] Nor can the advocate depend upon the experience of Judge Bridlegoose, the hero of one of Rabelais' satires, who decided 4,000 cases during his judgeship, and all of them were by casting lots. Of that number, 2,309 of them were appealed, and in every instance on appeal the judgment was affirmed.

Proficiency in the art of forensic persuasion is an exacting if not a lost art. "When he rises to speak at the bar, the advocate stands intellectually naked and alone. . . . He can bring to the bar only what is within him."[8] The most persuasive quality of the advocate is professional sincerity, the desire that all material for judgment will be before the court and that the cause of his client will be worthily presented with vigor. "The opportunist, the lawyer for revenue only, the cynic, will never reach the higher goal. . . . Decisional law is a distinctive feature of our common-law system."[9] The lawyer in his argument on appeal is supplying the basis for it. He must have a profound appreciation of the continuity between the law of today and that of the past, and of the necessity for adapting it to contemporary needs. In fulfilling his function as a skilled advocate, the lawyer becomes a participant in this continuity and the building of our conception of liberty under law.

I conclude with Daniel Webster's toast: "The Law: It has honored us, may we honor it."

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[7]Davis, *The Argument of an Appeal*, 26 A.B.A.J. 895, 899 (1940).

[8]Jackson, *op. cit. supra* note 1, at 863.

[9]Jackson, *op. cit. supra* note 1, at 864; see Cooper, *Stating the Issue in Appellate Briefs*, 49 A.B.A.J. 180 (1963).

CONFERENCE OF LOCAL BAR ASSOCIATIONS

Thursday, June 20, 9:30 a.m.

The meeting was called to order by Mr. James C. Pittman, Jr., of Greenwood.

Mr. John C. Sullivan of Jackson delivered a report on the new insurance program of the Mississippi State Bar.

President Carlton delivered the following address at the noon luncheon, Thursday, June 20.

ADDRESS OF C. SIDNEY CARLTON

It is probably trite to say so, but it is a genuine pleasure to me to be here today. I have served as President of your Bar Association during the past twelve months with a deep sense of pride and with appreciation for your confidence in electing me to such high office. Frankly, I have very much enjoyed the past year. Not only have I enjoyed being a part of the tremendous progress which our Bar is making, but it has been a very great source of pleasure to see the interest and unselfish devotion of so many of you to the program of the organized Bar.

I think that I would be less than human, also, if I had not enjoyed the honor and prestige which goes with the Presidency of the Bar. Another most enjoyable part of the past year has been the many kind invitations to visit local and district Bars and to visit with the Bars of our adjoining states at their annual conventions. Not only have I enjoyed and profited from the programs at these meetings, but I have enjoyed the hospitality, the social contacts, and the friends which I have made.

At the same time, I can assure you that I am looking forward to the relief from responsibility which will be mine after Saturday afternoon. The dedication of the committees of the Mississippi State Bar and their active work in the program of the Bar has made heavy demands upon me and upon my time during the past year and, frankly, I am tired! It will be a relief to try to get some of the backlog of work off my desk and to try to get back enough income to pay some of the accumulated bills resulting from my partial inactivity in private practice.

Ours is a profession with a long and illustrious past. We find references to the responsibilities of judges and scribes in the Code of Hammurabi, and the recognition therein that professional men are necessary to the orderly administration of the institutions of society.

In 204 B. C., the Cincian Law of the Roman Empire regulated the

practice of law, even prohibiting the advocate from accepting any fee for his services. This law was revised in 17 B. C. when under Emperor Augustus a fourfold penalty was imposed on the advocate for the acceptance of a fee. Livy argued that the reason for the law was that all law was made in the public interest.

This rather naive view of the position of the advocate negated the development of the act of advocacy because proper study and training for the practice thereof was even then an expensive matter, and as a result toward the end of the reign of Augustus it became permissible to receive fees.

From these early beginnings, the legal profession has evolved to its present high state. Indeed the importance of our profession is such that the services of its members are guaranteed to the public in the basic constitutional documents of both the United States of America and the State of Mississippi.

The Bill of Rights in the Federal Constitution recognizes the importance of legal services. The sixth amendment provides (unless it has been changed by the Supreme Court since I read it on Tuesday of this week): "In all criminal prosecutions, the accused shall enjoy the right to have the assistance of counsel for his defense."

While that document refers only to criminal prosecutions, the Constitution of the State of Mississippi of 1890 guarantees to the people of our State the right of representation both in criminal and civil proceedings. Section 25 of that document provides: "No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal in the State, by him or herself, or counsel, or both." Section 26 of this great document provides: "In all criminal procedures the accused shall have the right to be heard by himself or counsel, or both. . . ."

And to assure that these basic rights of representation by qualified attorneys shall not be lightly infringed upon, section 90 of the Constitution of 1890 provides: "The legislature shall not pass local, private, or special laws in any of the following enumerated cases, but such matters shall be provided for only by general laws, viz. . . . (*s*) Regulating the practice in courts of justice. . . ."

The practice of law is not a profession open to all who wish to engage in it, nor is it a natural, inherent, or vested right, or one guaranteed by the constitution. It is a personal right or privilege limited to persons of good moral character, with special qualifications duly ascertained and certified. The right is conferred only for merit. Although it is generally agreed that the legislative branch of the government has the right to make provisions relative to qualifications to practice law so long as the rules and regulations prescribed are not unreasonable or do not deprive the courts of their inherent power to prescribe other

rules and conditions of admission to practice, the courts shall retain the right to determine the qualification and fitness of all lawyers.

The practice of law is affected with a public interest, and it is both the right and duty of the State to regulate and control it so that the public welfare will be served and promoted.

In acting for a client the attorney occupies, in a sense, the position of an agent or employee. He is, however, more than a mere agent or servant of his client.

Within his sphere and in the line of his special powers, he is as independent as the judge of the court and has not only his duties and obligations to the court and to his client, but powers entirely different from, and superior to, those of an ordinary agent. Although an attorney does not come within the usual meaning of the term "public officer" he is, in a certain limited sense at least, a public officer. He occupies what may be termed a "quasi-judicial" office, since he is, in fact, an officer of the court. Like the court itself, an attorney is an instrument or agency to advance the ends of justice.

The trust and confidence which must necessarily be reposed in an attorney by clients require in the attorney a high standard and appreciation of his duty to his clients, his profession, the courts, and the public. His duties are many and varied. Among them is the duty to support the constitution and the laws of the United States of America and of the State in which he practices. He must uphold the laws, counsel his fellow citizens to use peaceful methods in seeking justice, and refrain from doing an intentional wrong to the adverse party. Above all, an attorney owes to the Court the duty of good faith and honorable dealings, of maintaining a respectful and courteous attitude toward it, and of being obedient to its rules and proper orders. He has no right, under the guise of protecting the interest of his clients, to depart from the well established rules of practice in order unnecessarily to insult, scandalize, or otherwise impugn the honor and integrity of the court.

The attorney has both public and private obligations, being sworn to act with all good fidelity toward both his client and the court. His private obligations comprise those duties which he owes to his clients; his public duties consist in his obligations to aid the administration of justice, to uphold the dignity of the courts and respect their authority, and to cooperate with the courts whenever justice would otherwise be imperiled. When his duties to his clients conflict with those he owes to the public as an officer of the court in the administration of justice, the former must yield to the latter. He violates his oath of office when he resorts to deception or allows his client to do so.

No client, however powerful, nor any cause, civil or political, however important, is entitled to receive nor should any lawyer render,

any service or advice involving disloyalty to the law whose ministers we are, or disrespect to the judicial office which we are bound to uphold, or corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public. When rendering any such improper service or advice, the lawyer invites and merits stern and just condemnation. Correspondingly, he advances the honor of his profession and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, but above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

The observations are not subject to disagreement among us as officers of the law. I know of no practicing lawyer enjoying the respect and confidence of his brother lawyers who will not assent to the correctness of these principles. In their application, however, we do find differences of opinion as to their applicability or as to the results of their applicability in certain situations.

I would include all these observations in the statement that "a lawyer is a leader in his community" and in the implications arising from such a statement.

Leadership always involves responsibility. Lack of leadership or lack of the discharge of the responsibilities of leadership by one charged therewith inevitably leads to a weakening and eventually to a breakdown of the established order. I cannot emphasize too strongly that we as lawyers have assumed great and heavy responsibilities to the people of this state and to those who repose confidence in us.

This is particularly true in present day times—even much more forceably true today than when I graduated from law school some twenty-four years ago. I do not claim to have any magic words of advice or any great degree of competency to give you advice in this field, but I do have some rather strong convictions which have grown from my experience as a practitioner in one of the great metropolitan areas of Mississippi, the Town of Sumner, with a population of 550 souls. Perhaps some of my feelings are the result of a conservative nature, but I doubt this. My reputation over the years has not been exactly that of a conservative, but rather a little more in the direction of the crusading rebel. I feel, therefore, that the tempering of my dogmatic and, for want of a better word, crusading ideas of years past is a result of the tempering of experience and the growth of understanding which I feel has been contributed to much by my association with you and by your education of me in the work of the Mississippi State Bar. This is not intended by way of patting myself on the back, but merely

by way of reference to the necessary growth of understanding in the human mind through experience.

Indeed I am reminded of the conversation I had some years ago with Judge William Neville, the Chancellor from Meridian. I made the statement to him that we must have had an unusually gifted group in law school at the University when he and I were students there because of the large number of that group who are now chancellors, circuit judges, members of the supreme court, and leaders in the state government. Judge Neville responded with these words: "Sidney, that is not the case at all. We have merely reached the age when by the very nature of things these responsibilities have fallen upon our shoulders."

I wish to say to you one thing at this point which I trust that each of you will remember. I believe that no more truthful or more important thing will be said by me here today. Customs of people do not arise without a cause. There are no customs which did not have some good reason for their adoption by the people. It follows, therefore, that custom should not be condemned as evil or wrong until it has been ascertained that the reason for the rise of the custom has disappeared—that the situation giving rise to the custom has disappeared or changed. If we forget this principle and attempt to upset customs without having given thought and observance to this principle, we run the very grave danger of doing ill service to our fellow man.

Indeed, these comments should be less required to a group of lawyers than to any other group of people in our society. We give obeisance to the rule of stare decisis, and this rule is nothing more than that we draw from the wisdom of those who preceded us to meet the problems which we encounter. Custom certainly falls into the same pattern. The careful study of customs and the reasons therefor is but the drawing today from the wisdom of the past. At the same time, custom cannot be used as justification for the continuing of wrong or evil.

I say to you that in these critical and turbulent times, the members of the legal profession must stand four-square against changing winds and shifting pressures. We must not stand idly by and see our form of government disintegrate, anarchy take over, and repression of liberty result. We have an obligation to raise our voices that they may be heard in this land. We must lay aside our selfish self-interest and our own personal gain and be heard, like the voice of John the Baptist in the wilderness, crying forth the law. We must not submit to outside pressure, to political expediency, or to economic considerations. Might does not make right in a court of law or in a government of laws, nor does expediency serve as a substitute for principles.

I earnestly and prayerfully suggest to you that upon the shoulders of the legal profession today rests the responsibilities for the continua-

tion of our form of government; for the preservation of our government of laws, not of men; and for equal justice under the law for all people and not for just a segment of the people. With a heavy heart I declare to you that unless this nation under our leadership shall return promptly and immediately to the basic principles of our democratic society, disorder, riot, and bloodshed await our people for a long period of time to come.

I beg that each of you consecrate your public and your private service to exacting compliance with the highest principles of legal ethics and moral law; and that you cultivate and deserve a reputation for fidelity to private trust, to public duty, and to the highest principles of the legal profession as an honest man and a loyal citizen.

SECOND GENERAL ASSEMBLY

Friday, June 21, 9:00 a.m.

The meeting was called to order by President Carlton. President Carlton then introduced Mr. Tally Riddell of Quitman who presented the following address prepared by Mr. Charles Bloch of Macon, Georgia.

THE ROLE OF THE LAWYER IN OUR PRESENT DOMESTIC SITUATION

A few weeks ago, I was asked to give a name to my talk, and I named it: "Of the Few; For the Few; By the Few." It is so printed in the program.

But a week or so ago, I read an article in the *New York Times* (June 11, 1963) which, together with one or two other happenings, caused me to take the liberty of changing my subject, and to talk with you on the subject: "The Role of the Lawyer in Our Present Domestic Situation."

The article to which I just alluded was entitled: "Forty-six Lawyers Urge Wallace to Stand Aside at Alabama University."

I have no idea of discussing with you what Governor Wallace should or should not have done, nor what any other Governor conceives to be his duty to do pursuant to his oath of office, and his duty to the people who chose him as their chief executive.

I was (and am) interested in the article because so many of the forty-six lawyers are known to me as distinguished lawyers. Many are my personal friends. I was interested because of the subject matter.

I was particularly interested because of this sentence in the text of the lawyers' statement: "Lawyers have a special responsibility to sup-

port the rule of law in our society and to obey the fundamental legal principles that guarantee safety and justice for all."

That sentence suggested to me these questions: Do not lawyers have a special responsibility when the rule of law in our society is threatened? Do not lawyers have a special responsibility when fundamental legal principles which guarantee safety and justice for all are *not* followed and applied by the courts? Those questions, combined, suggested the topic: "The Role of the Lawyer in Our Present Domestic Situation."

The *primary* role of the lawyer should be to demonstrate that our present domestic situation is the result of the sweeping aside by the courts of those fundamental legal principles which were guaranteeing safety and justice for all, and substituting for those fundamental legal principles rules of conduct thought necessary to comply with demands being made by certain segments of our society.

The truth is that fundamental legal principles have many times during the last score of years been ignored, and those who should have joined the few of us complaining of such ignoring have been strangely silent.

Let us turn the clock back twenty years—to June 21, 1943. On that date, the "law of the land"—a "fundamental legal principle" was as unanimously expressed by a Supreme Court of the United States composed of Chief Justice Hughes, and Associate Justices Van Devanter, McReynolds, Brandeis, Sutherland, Butler, Stone, Roberts and Cardozo:

> Exclusion of negro from primary election under resolution of Texas State Democratic Convention limiting membership in party to white citizens *held* not violative of Federal Constitution as in effect denying negro right to vote at general election, though it was alleged and admitted by demurrer that in Texas nomination by Democratic Party was equivalent to election.[1]

The fourteenth amendment had at that time been a part of the federal Constitution for seventy-five years. It was a fundamental legal principle established by a unanimous Supreme Court that the holding of a Democratic white primary was not violative of the fourteenth amendment.

By November 10, 1943, not one word of the fourteenth amendment had been changed. It remained a part of the supreme law of the land as it had been written seventy-five years before.

The Supreme Law of the Land, the Constitution of the United States, had not changed.

The personnel of the court *had* changed, and on November 10 and 12, 1943, there was argued before a Court composed of Stone (then Chief Justice), Roberts, Black, Reed, Frankfurter, Douglas, Murphy,

[1]Grovey v. Townsend, 295 U.S. 45 (1935).

Jackson and Rutledge, the case of *Smith v. Allwright.*[2] Hughes was gone from the Court. So were Van Devanter, McReynolds, Brandeis, Sutherland, Butler, and Cardozo.

On April 3, 1944, the Court, so changed, swept aside the fundamental legal principles established by *Grovey v. Townsend.* That was the year in which President Roosevelt was seven months later elected to his fourth term.

Did we find the Attorney General of the United States of that day calling on the Court *not* to reverse and overrule the principle it had established? The reports do not reveal any remonstrance by the Attorney General of the United States, or any brief filed by him calling on the Court to follow the legal principle it had established.

But, strange to say, the gentleman who was then Attorney General of the United States, Francis Biddle, Esq., is, according to the *New York Times* of June 11, 1963, one of those forty-six lawyers who signed the statement, which, *also,* contained these words:

> In the final analysis the concept of law and order, the very essence of a republican form of government, embraces the notion that when the judicial process of a state or federal court, acting within the sphere of its competence, has been exhausted, and has resulted in a final judgment, all persons affected thereby are obliged to obey it.

I wonder why Attorney General Biddle didn't call that doctrine to the attention of the Court twenty years ago, when Messrs. Thurgood Marshall and William H. Hastie, each of whom is now a Federal Circuit Judge, were calling on the Supreme Court to nullify its judgment of eight years before?

The Supreme Court felt constrained to reverse *Grovey v. Townsend* because of its four to three decision in *Classic v. United States.* The part which Mr. Biddle, today such a staunch supporter of the law of the land, took in having the Supreme Court do a turnabout in that case is revealed in his book, "In Brief Authority." Let us let him tell it in his own words:

> Under the law Negroes had the right to vote in general elections. But it was hardly worth voting since elections were in substance determined in primaries, and the Supreme Court had decided that the Federal Corrupt Practices Act did not apply to primaries. *We determined to try to persuade the court to apply Section 52 to primaries—in effect to overrule the decision.* We found a test case in the *Classic* case.

Yes, this is the same Mr. Biddle who *now* says: "Lawyers have a special responsibility to support the rule of law in our society. . . ." I think what his creed really is is that lawyers have a special respon-

[2]321 U.S. 649 (1944).

sibility to support decisions which please him, and seek to have those overruled which do not please him.

It is strange, too, that another one of the gentlemen who is reported to have signed the statement, a past president of the American Bar Association, was twenty years ago filing a brief in the Supreme Court of the United States on behalf of the American Civil Liberties Union "urging reversal"[3] of the principle of constitutional law it had unanimously declared eight years before.

With only one Justice dissenting, the principle was swept aside. In his dissent, Mr. Justice Roberts used language which today, twenty years later, demonstrates the cause of the situation in which we find ourselves.

Said he:

> It is regrettable that in an era marked by doubt and confusion, an era whose greatest need is steadfastness of thought and purpose, this court, which has been looked to as exhibiting consistency in adjudication, and a steadiness which would hold the balance even in the fact of temporary ebbs and flows of opinion, should now itself become the breeder of fresh doubt and confusion in the public mind as to the stability of our institutions.[4]

Doubt and confusion continued. The ebb and flow of opinion grew apace. Fresh doubt and confusion as to the stability of our institutions were bred by another decision in another area of the law.

In the early part of 1948 (coincidentally another election year) an existing fundamental legal principle was that no provision of the Supreme Law of the Land prohibited private individuals from entering into contracts respecting the control and disposition of their own property. Therefore, contracts containing restrictive covenants as to the sale of private property were valid.[5]

Another fundamental legal principle was that individual invasion of individual rights was not the subject matter of the fourteenth amendment.[6]

On January 15, 1948, there came before the Court the case of *Shelley v. Kraemer*.[7] The argument there advanced was that while restrictive covenants based on race or color standing alone do not violate any rights guaranteed by the fourteenth amendment, and while so long as the purpose of covenants are effectuated by voluntary adherence to their terms there is no violation of the Constitution, when and if a

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[3] *Id.* at 650.
[4] *Id.* at 670.
[5] Corrigan v. Buckley, 271 U.S. 323, 330 (1926).
[6] *Id.* at 330.
[7] 332 U.S. 1 (1948).

state court attempts to enforce those contracts, the fourteenth amendment is violated.

That claim was sustained by the Court. Justices Reed, Jackson and Rutledge took no part in the decision. It was written by Chief Justice Vinson, concurred in by Justices Black, Frankfurter, Douglas, Murphy, and Burton.

So, another fundamental legal principle was swept aside.

For of what value is the right to own and enjoy property unless the citizen has the correlative right to call on the state of his residence to protect that ownership and enjoyment?

For the successful party in that case appeared George L. Vaughan, who was later that year a delegate to the Democratic National Convention which nominated Harry S. Truman for the Presidency. He was the delegate who endeavored to unseat the delegation from Mississippi. There was a companion case decided the same way in which appeared for the successful parties, Thurgood Marshall and William H. Hastie. As amici curiae, upholding their position, appeared Tom C. Clark, Attorney General of the United States, now a Justice of the Supreme Court of the United States by appointment of President Truman. President Truman was nominated and elected that year a few months after the cases were decided by the Supreme Court on May 3, 1948.

Recently, the Governor of Georgia is reported to have said in a press conference:

> We must thoughtfully remember that one of the most cherished rights enjoyed by all of our citizens under the Constitution is the full and free enjoyment of a person's property. The right to dominion and control of one's property is just as dear as any other human right and must not be trampled in the quest for other privileges of citizenship.[8]

Those words were well spoken, and are a reflection of a fundamental legal principle which is expressed in our State Constitution in these words: "Protection to person and property is the paramount duty of government and shall be impartial and complete."[9]

As is always the case when a wall once begins to crumble, it crumbles speedily. Deviating from constitutional principles is a progressive malady.

In early 1954, a fundamental legal principle guaranteeing safety and justice for all was one known as the "separate but equal doctrine."

As we all know, the fourteenth amendment provides in part that no state shall deny to any person within its jurisdiction the equal protection of the laws.

Twenty years before its adoption, the Supreme Judicial Court of

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[8]Atlanta Constitution, June 13, 1963, p. 1.

[9]GA. CONST. art. 1, § 1.

Massachusetts had decided the case of *Roberts v. City of Boston.*[10] Charles Sumner of Boston was of counsel for the plaintiff. In an opinion written by the famed Chief Justice, Lemuel Shaw, the court held that the general school committee of Boston had the power, under the constitution and laws of the commonwealth, which contained restrictions similar to that afterward embodied in the fourteenth amendment, to make provisions for the instruction of colored children in separate schools established exclusively for them, and to prohibit their attendance upon other schools.

That Massachusetts case, decided in 1849, is the foundation stone upon which the later separate but equal doctrine rested.

After the adoption of the fourteenth amendment, the doctrine of the *Roberts* case was applied to the language of the fourteenth amendment by the courts of last resort of Ohio, New York, California, Kansas, Indiana, Missouri, Arizona, and Nevada, and the separate but equal doctrine established by those states. The Supreme Court of the United States applied it in *Plessy v. Ferguson,*[11] upholding the validity under the fourteenth amendment of a statute of Louisiana requiring the separation of the white and colored races in railway coaches.

The separate but equal doctrine first came before the Supreme Court of the United States as to schools in a case which arose in Mississippi.[12] It was upheld in an opinion by Chief Justice Taft. It was treated by him as a fundamental constitutional principle, one "which has been many times decided to be within the constitutional power of the State Legislature to settle, without intervention of the federal courts under the federal constitutions."[13]

Notwithstanding that the separate but equal doctrine had existed as a principle of constitutional law for over a century, those who *then* did not believe in obeying established fundamental legal principles, encouraged by their success in having the Constitution judicially amended in the area of voting and ownership of property, sought to set aside, also, this established principle.

They brought the school cases in the Supreme Court for a review of the "separate but equal" doctrine announced by the court in *Plessy v. Ferguson.*

Argument was heard in the 1952 term, and reargument was heard in 1953. The Attorney General of the United States participated both terms as amicus curiae.

Mr. Herbert Brownell, Jr., was appointed Attorney General January 21, 1953. He remained as such when the cases were reargued in December of 1953.

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[10]59 Mass. (5 Cush.) 198 (1849).

[11]163 U.S. 537 (1896).

[12]Gong Lum v. Rice, 275 U.S. 78 (1927).

[13]*Id.* at 86.

Although the issues there involved had been "frequently resolved by the highest court[s] in the land," did Attorney General Brownell call the attention of the Court to that fact? Did he argue before it, or advise it that they were being asked to overturn a century old fundamental legal principle within the rights of the states to determine?

Yet, now, he is one of those reported to have signed the statement calling on the Governor of a state to "obey the law."

And, I know of no distinguished lawyer of the Bar of New York, of Massachusetts, of California, of Indiana, of Ohio, of Arizona, of Nevada, who sought to advise the court or the counsel for the litigants that the fundamental legal principle it was requested to upset was one established by the courts of their states under the powers reserved to them by the Constitution.

So, seemingly unaided by any lawyers who had a special responsibility to support the rule of law in our society, the Court swept aside the fundamental legal principle established by many states of the Union, North, East, South, and West, for the welfare of their citizens.

Apparently, the repeal was confined to the area of public schools, for the conclusion of the court speaking through the Chief Justice was expressed in these words: "We conclude that in the field of public education the doctrine of separate but equal has no place. Separate educational facilities are inherently unequal."

Without one word of explanation as to how the psychological knowledge upon which the ruling in the school cases was based could be applicable to cases involving bathing pools and beaches, golf courses, busses, and practically every other public facility, the ruling has been so extended.

In the school cases, Chief Justice Warren said: "Separate educational facilities are inherently unequal." His conclusion was based on the modern authority he cited in footnote 11. Would this "modern authority" be sufficient to support a conclusion that separate golfing facilities are inherently unequal? We are left in ignorance as to what law or social science supports a judicial ruling that separate bathing or golfing facilities are inherently unequal.

The Court has simply applied its limited ruling in *Brown v. Topeka* universally, and there has been no Attorney General or American Bar President, past or present, no law school Dean that I know, none but a very few lawyers to speak out and urge that the liberty and freedom of the citizens of these United States were being destroyed by the rendition of such decisions.

We few of the South who are struggling so for the constitutional rights of all citizens are disdained, taunted, ignored, and scorned—even by some so-called publishers of our own section, but I do not think that such will prevent our continuing to exert our every effort for the restoration of constitutional government in these United States.

Would that some forty-six from other sections would gather, assume the special responsibility which lawyers have to support the rule of law in our society, and seek obedience by courts, lawyers, and laymen to those "fundamental legal principles which had been established to guarantee safety and justice for all"!

I could discuss with you many more cases to demonstrate that our present domestic situation is the result of the sweeping aside by the courts of these fundamental legal principles which formerly guaranteed safety and justice for all.

I could discuss them in the area of criminal law, particularly in the area of searches and seizures,[14] in the area of post-conviction relief,[15] in the area of right to counsel, and in the area of appeals.[16] I could discuss with you the political thicket which the Court entered in *Baker v. Carr*,[17] and how it has extended its scope of inquiry in that area by granting certiorari in eight cases on June 11. I could discuss with you the many cases involving those accused of being Communists, and the manner in which they were treated.

We must be content in this area to have before us what the dissenting Justices said about the action of the majority.

Justice Frankfurter said:

(1) "The Court today reverses a uniform course of decisions established by a dozen cases. . . ." (p. 714)

(2) "Such a massive repudiation of the experience of our whole past. . . ." (p. 714)

(3) "The framers of the Constitution persistently rejected a proposal that embodied this assumption and Thomas Jefferson never entertained it." (p. 715)

(4) "The framers carefully and with deliberate forethought refused to so enthrone the judiciary." (p. 716)

(5) "The case is of that class of cases of political controversy which, by the nature of the subject, is unfit for judicial action." (p. 720)

Justice Harlan said: "Thus what the Court is doing reflects more an adventure in judicial experiment than a solid piece of constitutional adjudication."

What these two Justices said of that one opinion could well be said of a great many others—which, we are told, constitute the "law of the land."

I refrain, too, from any detailed discussion of the so-called school prayer cases, either that of last year or last Monday, except to say that

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[14]Mapp v. Ohio, 367 U.S. 643 (1961).

[15]Sanders v. United States, 83 Sup. Ct. 1068 (1963).

[16]Draper v. Washington, 83 Sup. Ct. 775 (1963); Lane v. Brown, 83 Sup. Ct. 768 (1963); Douglas v. California, 83 Sup. Ct. 814 (1963).

[17]369 U.S. 186 (1961).

since Jamestown in 1607 and the landing of the Pilgrims in 1620, a belief in God, and a right to express it anywhere, any time, had been a fundamental principle upon which our union of States was based.

The concluding words of the Declaration of Independence are: "And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our Sacred Honor."

I do not believe that the great majority of the people of America will forsake that principle—no matter who says what about it. I do not believe that the great majority of the people of America want to see atheism established as the State religion.

A case was decided (by a two to one vote) by the Fifth Circuit Court of Appeals which illustrates the web in which we become entangled when courts once commence exercising powers not delegated to them by the Constitution.

While I welcome the result reached by the conclusions of Judge Griffin Bell and Judge Lewis of the Tenth Circuit (Utah) prevailing over those of Judge Richard Rives, that there was occasion, at all, for a decision on the details of school administration there at issue, illustrates how far we have departed from fundamental constitutional principles.

Article IV, Section 4 of the Constitution reads: "The United States shall guarantee to every State in this Union, a Republican form of government. . . ." A state does not have a republican form of government when details of school administration, admissions to colleges and universities, regulation of publicly owned golf courses, swimming pools, and the like, are in the hands of judges appointed for life and who may live far distant from the community involved.

There is one other *single* case, and one other *group* of cases, though, which serve to illustrate the thesis.

The one single case is *Thompson v. City of Louisville.*[18] I happened to be in the courtroom when that case was argued. The defendant was convicted in the Police Court of Louisville, Kentucky, of loitering and disorderly conduct. On certiorari granted by the Supreme Court directly to the Police Court, the conviction was held unconstitutional under the due process clause of fourteenth amendment. Thompson was represented by two Louisville lawyers, and two Washington, D. C. lawyers. There was considerable subdued levity, during the argument, but I wasn't laughing. As I listened, I wondered: Why is this seemingly trifling case here? Who brought it here? Who defrayed the expenses?

The first question has been answered by its use in the Louisiana

[18] 362 U.S. 199 (1960).

sit-in cases,[19] and the South Carolina cases involving the prosecution of a group of Negroes for breach of the peace.[20] The other two questions remain unanswered.

The *group* of cases is composed of the most recent decisions in so-called sit-in cases.

In one of them,[21] the Court held that negro sit-in convictions for refusing to leave chain store's white lunch counter where their exclusion was required by city ordinance violated the fourteenth amendment's equal protection clause even if exclusion was based on manager's own decision since segregation ordinance removed his decision from sphere of private choice.

In *Lombard v. Louisiana*,[22] there was no state statute or city ordinance which forbade desegregation of the races in restaurant facilities. As of this writing, it remains a fundamental legal principle that the equal protection clause of the fourteenth amendment is not applicable unless there is state action involved. Here there was no statute of the State of Louisiana involved. There was no municipal ordinance involved. State action therefore seemed absolutely lacking. *But*—a few days before Lombard's arrest, the Mayor of New Orleans had issued a statement condemning these "sit-ins" and demanding their cessation. There was a like statement by the Superintendent of Police. That was enough, said the court. "As we interpret the New Orleans city officials' statements, they were determined that the city would not permit Negroes to seek desegregated service in restaurants. *Consequently, the city must be treated exactly as if it had an ordinance prohibiting such conduct.*" (Emphasis added.)

In the statement of the forty-six is this language: "Our country cannot hope to maintain its moral leadership in world affairs unless it can demonstrate its ability to preserve the liberty and freedom of its citizens under the rule of law."

I wonder if my distinguished friends really think that a decision like that is symptomatic of a "rule of Law"? And if they do, I wonder if they go further and agree with Justice Douglas' statement in his specially concurring opinion in those sit-in cases: "When the doors of a business are open to the public they must be open to all regardless of race if *apartheid* is not to become engrained in our public places."

I ask them and you: Do not these decisions ignore the fundamental legal principles declared eighty years ago by the Supreme Court of the United States in the *Civil Rights Cases*?[23] In them, the first and second

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[19]Garner v. Louisiana, 368 U.S. 157, 163 (1961).

[20]Edwards v. South Carolina, 83 Sup. Ct. 680 (1963).

[21]Peterson v. City of Greenville, 83 Sup. Ct. 1119 (1963).

[22]83 Sup. Ct. 1122 (1963).

[23]109 U.S. 3 (1883).

sections of the act of Congress of March 1, 1875 were declared unconstitutional. Those sections required full and equal enjoyment of the accommodations of inns, theatres, and other places of public amusement. If they were unconstitutional then, what provision of the Constitution renders them or similar acts valid today?

On June 4, 1963, Justice Douglas uttered a few potent, cogent words. He said: "The present case . . . will, I think, be marked as the baldest attempt by judges in modern times to spin their own philosophy into the fabric of the law, in derogation of the will of the legislature."[24]

I do not know whether he is correct. I do not know whether it is the *baldest* attempt, or not. I do know that it is a recognition by him, of what many lawyers have long known—that in the past score of years, judges have spun their own philosophy into the fabric of the law; they have thus failed to obey and follow and apply fundamental legal principles which guarantee safety and justice for all. The result is our present domestic situation.

Our role, as lawyers, does not cease with demonstrating that fact, or that which we believe to be a fact. We are supposed to read, to learn, and to teach. We should not content ourselves with saying to our people: "We are in a bad situation; we are not responsible for it; it came about over our protests, and there is nothing we can do about it."

If we follow that course, we ignore the teachings of a great Georgian, Senator Benjamin Harvey Hill. Engraved on his statue in the capital of Atlanta are these words:

> Who saves his country,
> Saves himself, saves all
> things, and all things saved
> do bless him;
> Who lets his country die,
> Dies himself ignobly,
> Lets all things die, and
> all things dying curse him.

Our role, therefore, is not to be content with a demonstration of the reason for the difficulties which surround us domestically. Our role is not to be content with demonstrating the reason for what *has* happened, but to point out what may happen, and how we can prevent those happenings.

What *may* happen falls under two classifications:

(1) Threats of certain segments of our population of what they will do pending proposals, which are being made to Congress, or what

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[24]Arizona v. California, 83 Sup. Ct. 1468 (1963).

they will do if the proposals should not be enacted into law, and (2) the proposals of the administration to Congress.

The non-white population of California increased in the decade between 1950 and 1960 from 462,000 to 883,000. President Kennedy lost that state in 1960 by 35,000 votes. That of Illinois increased in the same decade from 645,000 to 1,037,000. The President carried that state in 1960 by 9,000 votes. The non-white population of Michigan increased in the same period from 442,000 to 717,000. Mr. Kennedy carried that state in 1960 by 67,000 votes. That of New Jersey increased from 318,000 to 514,000. The President carried that state by 22,000 votes in 1960. That of New York increased from 918,000 to 1,417,000. The President carried that state 3,830,000 to 3,446,000 for Vice-President Nixon.

That non-white population in those five states and others in the North—Ohio for example—continues to increase, and will so continue into 1964 when we will have a presidential election.

That group of voters, organized as they are, constitutes a potent political force—especially so long as we of the South continue complacently unorganized.

The members of this group are making certain demands—*and* among them is a demand that the national administration aid them in the fulfillment of their demands. They "want elimination of discrimination in hotels, motels, eating places, recreation facilities, religious activities, public and private hospitals, jails and taxis; employment at places doing business with the public, and at municipal and county offices; membership in community organizations, and removal of 'white' and 'colored' signs in public buildings and at service station rest rooms."

The preceding paragraph is quoted from the *Atlanta Journal* and *Constitution* of June 16, page 20, and I must assume that it is correct.

Kiplinger's *Washington Report* of June 14, 1963, says:

> More Negro marches on Washington are coming. The demonstrations up to now have been mild. But this summer Negro groups from many cities will converge here to demand fast action on civil rights in Congress. In the fall, an even bigger protest march . . . busloads of Negroes coming to picket the White House, governmental officials, Congress. More spectacular than other demonstrations in the large cities of the North or South.

It will be interesting to us lawyers to see how our federal government deals with these demands, and these demonstrations if they should occur.

For we know that if a government is not sufficiently strong, and sufficiently willing to meet and subdue threats against it without appeasing those who threaten and demand then there is no government, then there is no rule of law, but there is anarchy.

While we, as lawyers and citizens, will necessarily watch these predicted developments with interest, our role and participation, should be in the area of the civil rights proposals which will probably be sent to Congress by President Kennedy before I meet with you.

As I prepare to talk to you, it appears that the most controversial concerns banning so-called racial discrimination in public accommodations such as hotels, restaurants, theaters, and retail stores.

And it is doubtful as I prepare whether the administration will base its proposals on the "equal protection" provisions of the fourteenth amendment, or on the federal power to regulate commerce between the states.

Section 1 of the fourteenth amendment is the section which provides that no state shall deny to any person within its jurisdiction the equal protection of the laws.

Section 5 of it grants to Congress the power to enforce its provisions *"by appropriate legislation."*

As we have seen, the Supreme Court decided eighty years ago in the *Civil Rights Cases* that this amendment did not authorize Congress to compel equal accommodation to inns, theaters, etc., absent state action.

If the administration seeks to have Congress ignore this adjudication, we should gather not merely forty-six lawyers—but 4,600, or 46,000 —and make some demands of our own; demands that our government preserve the liberty and freedom of all of its citizens and not any given segment thereof, and that our government obey established fundamental constitutional principles which have for a century guaranteed safety and justice for all.

If the administration seeks to have Congress regulate the internal affairs of the States and the business and property rights of citizens of the States by tortured constructions of the Constitution, by a pretense that one who operates a hotel, or a motel, or a moving picture theatre, or any other lawful business, is engaged in interstate commerce, we should make demands of our own that the provisions of the Constitution of the United States be obeyed and not tortured and twisted by any branch of the government for the purpose of perpetuating in office any individual or group of individuals.

Regardless of what proposals are made to Congress—if demands are followed by demonstrations which are calculated to provoke violence, it should be our role as lawyers to teach that protection to person and property is the paramount duty of government, and shall be impartial and complete. It should be our role not only to teach that doctrine, but to demonstrate that the courts of the land have the power to invoke and implement that doctrine.

That they have can be no better demonstrated than by quoting

language of the Supreme Court of the United States used in an opinion reviewing a judgment of a state court:

> When, in a small community, more than 30 people get together and act as they did here, and heap abuse on their neighbors and former friends, a court is justified in finding that violence is imminent. Recognizing that the trial court was in a better position than we can be to assess the local situation, we think the evidence supports its conclusion, affirmed by the State Supreme Court, that the conduct and massed name calling by petitioners were calculated to provoke violence and were likely to do so unless promptly restrained.[25]
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> In some cases of nuisance and in some cases of trespass the law permits an individual to abate the one and prevent the other by force, because such permission is necessary to the complete protection of property and person. When the choice is between redress or prevention of injury by force and by peaceful process, the law is well pleased if the individual will consent to waive his right to the use of force and await its action. Therefore, as between force and the extraordinary writ of injunction, the rule will permit the latter.[26]

They persist as a fundamental legal principle which guarantees safety and justice for all.

Federal and state governments are under constitutional and legal obligations "to promote the interest of all, and to prevent the wrongdoing of one resulting in injury to the general welfare." It is our role, in seeking the restoration of constitutional government, to appeal to the Congress. It is our role to appeal to the courts of the land. If our efforts are unsuccessful, we, as leaders, as teachers, as amici populi, friends of the people, have another role. That role may have to be performed in the so-called political arena.

If we honestly and sincerely believe, as students of the law, that any person or group of persons are for purposes of their own, for the perpetuation of their power, or for any other selfish purpose, disobeying established constitutional principles, and seeking to supplant them with legislation or decisions not justified by the Supreme Law of the Land as written in the Constitution and the amendments thereto, it is our duty as lawyers—as ministers of justice if you please—to argue, submit and try out that issue at the polling places. We should not be too proud to engage in a political battle—if a political battle is necessary to save our country.

Lawyers have a great heritage and a great privilege to teach that the Constitution of the United States is being slowly but surely destroyed; to teach how and in what manner it is being destroyed, to

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[25]Youngdahl v. Rainfair, Inc., 355 U.S. 131, 138-39 (1957).

[26]*In re* Debs, 158 U.S. 564, 583 (1895).

act as leaders in its restoration, and thus in the words of that great Georgia lawyer of a century ago, save our families, our neighbors, our children, our children's children, ourselves—save all things, and all things saved will bless us.

PRESIDENT'S REPORT

*C. Sidney Carlton**

I should like first to report to you my admiration for, and appreciation of, the vast amount of work and detail which is handled by our efficient, capable, and dedicated Secretary-Treasurer, Mrs. Alice Nevels, and by her capable chief stenographer, Mrs. Lillian Sadler, and the other full and part time employees of this office.

Mrs. Nevels is not only Secretary-Treasurer of the Mississippi State Bar, she is Secretary-Treasurer of the Mississippi Bar Foundation, Inc., Secretary of the Board of Bar Admissions, Secretary of the Junior Bar Section, Secretary of the Conference of Local Bar Associations, Business Manager and Treasurer of the *Mississippi Lawyer*, Mother Confessor of the individual lawyers of the State of Mississippi, the head of her family, a devoted mother, and a doting and admirable grandmother, and she is also a delightful and lovable person, and as far as I am concerned, she is MRS. MISSISSIPPI STATE BAR.

Mrs. Nevels and her force mailed out 26,393 copies of the *Mississippi Lawyer* and 13,019 pieces of other bulk mail were sent out from the State Bar Office this year. Approximately 2,000 statements for bar dues were sent out in the first mailing; 450 statements, the second mailing; and 206 statements, the third mailing. In addition, the first mailing statements for the fiscal year 1963-64 is almost complete, making another approximately 2,000 statements. Two hundred and six individual letters were written by Mrs. Nevels on February 8, 1963, prior to making up the delinquent dues lists. One hundred and fifty-nine certified letters were mailed to delinquent members on February 20, 1963.

The office collected current dues of $38,270 and delinquent dues of $1,670. Thirty-four bank deposits were made and 565 checks issued. Five hundred and sixty-four new addressograph plates were cut on attorneys who had moved, new attorneys, re-enrollments, etc.

Your President sent 109 dictaphone belts to the State Bar office for transcribing. Figuring twelve letters per belt, as the Dictaphone Corporation finds to be about average, this figures 1,308 letters typed for the President in the office. This does not include some 850 letters typed in the President's Office in Sumner.

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*President of the Mississippi State Bar, Sumner, Mississippi.

Forty-eight committees were appointed with a total membership of 540 members of the Bar.

One of Mrs. Nevels' greatest responsibilities is as Secretary of the Board of Bar Admissions. I have in my office a file folder approximately one inch thick with carbon copies of letters which she has written during the current year concerning bar admissions. She has processed during the current year a total of eighty-three applications for bar examinations and the approximate time required for the processing of each application, with all of its ramifications, is three days. In other words, the processing of bar admission applications takes approximately 250 employee days of the work of the State Bar Office, and the State of Mississippi does not pay one cent of this expense. A part of it is borne by the application fees of those applying for admissions, but the balance falls upon the budget of the Mississippi State Bar.

Forty-seven of the applicants for bar admission took examinations during the current fiscal year. For those examinations there were thirteen sets of examination questions to be mimeographed and assembled per applicant. This fiscal year the Bar Office prepared 611 sets of questions and is in the process of preparing another 403 sets for the forthcoming July 1963 examination.

For the observance of Law Day USA, letters were written appointing County Chairmen; a two-page letter outlining duties was forwarded to each County Chairman; a mimeographed letter was sent to each County Superintendent of Education; a two-page letter was sent to each Chancery Clerk; and another two-page letter was sent to each Circuit Clerk. Copies of a mimeographed press release were sent to each newspaper in Mississippi. A letter was directed to each of the 59 Civitan Clubs; to each of the 54 Business and Professional Women's Clubs; to each of the 37 Kiwanis Clubs; to each of the 94 Rotary Clubs; to each of the 177 Lions Clubs; and to each of the 25 Exchange Clubs. A suggested Mayor's Proclamation was mimeographed and several copies mailed to each County Chairman. Three other pages of letters were mailed to all County Chairmen. Mr. Jay Hedgepeth, Chairman of the Committee, wrote to each Circuit and Chancery Clerk and enclosed a Law Day USA poster, and the President wrote to each of the Chancellors and Circuit Judges.

Six hundred and ninety-eight other miscellaneous letters were written in regard to this Law Day USA Program, and these figures do not include the uncounted number of daily mailings of pamphlets, speakers digests, program manuals, etc.

In connection with the Young Lawyers' Seminar, the State Bar Office mimeographed and assembled 60 outlines of each of the following subjects: accounts collections, 12 pages; abstracts and titles, 40 pages; negligence actions, 20 pages; workmen's compensation, 18 pages;

domestic relations, 19 pages; wills and estates, 38 pages; mechanics of the court, 51 pages; and defense of criminal actions, 8 pages.

Seven Commissioners Meetings have been held and the Bar Office handled all the mailings in regard to these and the preparation and distribution of the minutes thereof.

Forty-seven seminars, committee meetings, and similar assemblies have been held and the State Bar Office has handled all correspondence and mailing in regard thereto, except as to the seminars; however, most of the envelopes for the mailings concerning these seminars have been addressed in the State Bar Office.

I believe that you will agree with me that the State Bar Office has been busy!

I would also like to add that your President has not called upon this office for any service whatsoever without the service being promptly, efficiently, pleasantly, and well rendered.

Now let us proceed to a very brief resume of the activities of your President. I have traveled on State Bar business more than 12,500 miles this year. I have made seven major addresses before bar organizations and civic groups. I have made some eight appearances which might be termed in the nature of minor addresses. I have attended approximately half of the seminars which have been held and about one-fourth of the committee meetings.

I have been the guest of the Alabama State Bar at its annual convention in Montgomery; the guest of the Louisiana Bar Association at its annual convention in Biloxi; and the guest of the Arkansas Bar Association at its annual convention in Hot Springs. I was invited to attend the annual meeting of the Georgia Bar Association in Savannah and the annual meeting of the Tennessee Bar Association in Gatlinburg, but because these meetings conflicted with the Arkansas meeting I was unable to attend.

I had the pleasure of appearing as a member of a panel on the judiciary at the Arkansas meeting, and I assure you that I was traveling in high company and had a good time.

I might mention that while in attendance at the Louisiana meeting in Biloxi, I was invited to and attended seven cocktail parties on one evening. Needless to say, at the second I got a glass of ginger ale and carried it through several of the others. After all, I had the dignity of the Mississippi State Bar to keep in mind!

I attended the annual meetings of the American Bar Association and of the Conference of Bar Presidents in San Francisco last August, and attended the Mid-Winter meetings of the American Bar Association and of the Conference of Bar Presidents in New Orleans in February.

Needless to say, I have been out of my office approximately fifty

per cent of the time and my law practice has suffered somewhat. I cannot but pause here to pay tribute to my partner, Mr. Harvey Henderson. If any one person can be said to have contributed most to the program of the Mississippi State Bar this year, it is Harvey. Without him I could not have devoted the time and I certainly would not have had the funds necessary to enable me to devote this time to the Bar.

Of the forty-eight committees appointed for the Mississippi State Bar this year, I can truthfully say to you that there are not more than five of this number which have failed to discharge a large part of the program which was assigned to them. It is only the dedicated work of you Mississippi lawyers who have worked so unselfishly and faithfully in our committees that have made possible the progress which I believe we have made this year. It has been both an inspiration and a privilege to have served with each of you. My work has consisted principally of trying to keep ahead of this excellent committee work. Frankly, you have made that a hard job this year!

All this points up the complete inadequacy of the space allotted to the Mississippi State Bar in the New Capitol. We have three full time employees working there with three typewriters, an addressograph, a mimeograph machine, dictating equipment, photocopy equipment, filing cabinets, desks, chairs, etc., all in one room. The private transaction of business both for the Mississippi State Bar and for the Board of Bar Admissions under such circumstances is impossible. We earnestly solicit your individual support in obtaining better quarters for the Mississippi State Bar in the Capitol. The most urgent of these is a private office of our Secretary-Treasurer. A word from each of you to the Secretary of State will be very helpful in securing proper quarters, since the Secretary of State is in charge of the office space allotment in the Capitol and the State office building.

This logically brings me to the needs of the Supreme Court, the Attorney General and his staff, and the Supreme Court Clerk. Our State Bar had advocated and endorsed a Department of Justice building to house these offices, as well as the State Law Library and the Mississippi State Bar for a number of years, but nothing has been done in that regard. The officers and commissioners of the Mississippi State Bar earnestly solicit your influence and efforts to secure the passage of a bill by the legislature authorizing and directing the erection of Department of Justice building.

I want to call to your attention another accomplishment during the current year. The mechanics for the inauguration of a summer clerkship program have been set up to enable firms or individual lawyers interested in securing a student for summer employment to do so. This can be a very beneficial program both to the practicing lawyers in the State and to the law students who would participate

in such program. If you are interested in any of the details of this program, full information can be obtained from your State Bar Office.

A committee of the Bar has given careful and exhaustive study to the By-Laws of the Mississippi State Bar which have remained in effect without substantial amendment since the original organization of the unified Mississippi State Bar in 1932. Copies of the proposed changes have been mailed to each member of the Bar and discussion and presentation of these proposed changes will be had by this Convention at a later session. Your Board of Commissioners and your officers have carefully reviewed the work of the By-Laws Revision Committee and we earnestly solicit your careful study thereof and recommend them to you for approval.

I am happy to report that the collection of bar dues is in the most current condition in history. There are only nine members of the Bar who are delinquent for dues earlier than the 1962-63 year. By direction of your Board of Commissioners, suits have been filed against all nine of these lawyers asking for an injunction prohibiting their practice of law until such dues are paid and asking for a monetary judgment in the amount of the delinquent dues.

Your State Bar has been the defendant in one suit filed during the current year for reinstatement by a disbarred lawyer. A committee represented the State Bar in a hearing in Chancery Court of the appropriate county in regard to this matter. The matter was taken under advisement by the Chancellor and no decision has yet been reached.

Our experience in the past few years with unethical and improper practices by the small minority of our members has received considerable attention by your officers. As you know, all graduates of the School of Law of the University of Mississippi automatically are entitled to admission to the Bar of the State of Mississippi without the necessity for taking an examination. There is little or no investigation of the moral character of these graduates except for a preliminary screening before their admission to the School of Law. Frankly, this is not, it seems to me, in the best interest of the Bar. In order that the Board of Bar Admissions might make the necessary and proper investigations of graduates of this school, and in order that we may have a double check upon their knowledge and their moral qualifications, it seems to me that it is now time for the State of Mississippi to follow the almost universal trend in the United States and withdraw the diploma privilege from graduates from the Law School at the University. I earnestly recommend for your careful consideration, with the hope that you will give approval, to the amendment of the applicable statutes to withdraw the diploma privilege from graduates of the University of Mississippi School of Law, requiring them to appear and qualify before the

Board of Bar Admissions just as the graduates of any other school are required to do.

In my opinion one of the most significant growths in the Mississippi State Bar in the last number of years has been that of our Continuing Legal Education Program. I am happy to report to you that the program this year has been larger and more effective than ever before. It is the hope of your officers that this program may continue to expand and that seminars sponsored in this program may be held in each circuit court district within the State of Mississippi, thus making such programs more easily available to the practicing lawyers of the State.

I am happy to advise you that your Board of Commissioners has now authorized the employment of a part-time continuing legal education director. This employee will work for the Bar one-half time in this field and will be a half time professor of law in the University of Mississippi Law School. It is anticipated that the revenues from this Continuing Legal Education Program will discharge, in its first year, approximately half of the costs of this program and that in future years the program will be completely self-sustaining. Also used in defraying the expenses of this program will be the funds formerly devoted to a part time director of public relations, which post was discontinued as of June 30 of this year. I am delighted to advise that the person who will fill this post is a most qualified and able man, the Honorable Parham Williams, Jr., of Lexington. Mr. Williams will assume his duties in this post on September 1. I am sure that he will be most happy to receive your suggestions for the improvement, implementation, and growth of this program.

You have heard this morning a report of our new Group Life Insurance Program and I commend this to you for your careful study. I want to emphasize that when 500 applications are received, underwriting is waived. This is very important to those of us who are not generally insurable and I urge each of you to promptly apply for this coverage.

But I would say to you my friends that one of the greatest accomplishments, if not the greatest accomplishment, of the Mississippi State Bar during the last few years has been the establishment of the Mississippi Bar Foundation, Incorporated. This Convention last year gave approval of the idea and our committee in regard thereto completed its functions this year and the Bar Foundation has been formally organized. The funds of this Foundation are principally to be used in endowment for the furtherance of continuing legal education. You may become a fellow of the Mississippi Bar Foundation by paying $50 the first year and pledging $50 each year for four years thereafter, making a total of $250. Honorable Will S. Henley, a Past President of this association, is the President of the Mississippi Bar Foundation. I solicit for

Mr. Henley and the Bar Foundation your continued increasing and active support of its program.

I cannot, of course, conclude this report without paying respect to the eighteen members of the Board of Commissioners who have been faithful and loyal in their discharge of their responsibilities as the governing board of the State Bar. And reference to them makes it imperative that I also pay my respects and deep appreciation to the forty-eight committees who have served so effectively and conscientiously this year. That only five of these committees have not substantially discharged all of the responsibilities with which they were charged twelve months ago is almost unbelievable to other Bar officials throughout the nation. The work of the Board of Commissioners, the committees, and the membership of the State Bar has been solely responsible for the growth and effectiveness of our program this year.

It has been my pleasure and privilege to serve as your President this year for which I wish to extend to you my sincere thanks and appreciation.

Mr. David C. Cottrell, Jr., of Gulfport then introduced Dr. F. V. Garcia-Amador, Director of the Department of Legal Affairs of the OAS, who delivered the following address.

ADDRESS OF DR. F. V. GARCIA-AMADOR

More than two years ago, on March 13, 1961, President Kennedy challenged the people of the western hemisphere, both north and south, to look boldly to the future and to "transform the American continent into a vast crucible of revolutionary ideas and efforts, a tribute to the power of the creative energies of free men and women, an example to all the world that liberty and progress walk hand in hand." He called upon us to "reawaken the American Revolution," and set it as "our unfulfilled task . . . to demonstrate to the entire world that man's unsatisfied aspirations for economic progress and social justice can best be achieved by free men working within a framework of democratic institutions."

This was a challenge to all of us, all people of the Americas, in all walks of life, on all levels. Most especially, it was a challenge to us in the legal profession, for President Kennedy has called for a revolution under law. To accomplish this, all the resources, all the talent, and all the energies of the legal profession must be marshalled and set into action. A century ago, or even thirty years ago, the idea that we could legislate a revolution, to be carried out under orderly legal processes, was scoffed and derided as a dream of idealists and radicals. Social progress was considered to be a luxury in which we

could indulge only after we had accumulated sufficient capital as a result of economic progress. Today, however, there is no doubt that economic progress and social justice must be accomplished hand in hand. President Kennedy's recognition of this, in the words I just quoted to you, is not an idealist's dream. It is a realistic appraisal of the necessities of the world today. If there are some who still cynically frown upon its concept, they should be aware that this is what the people of the world, the people of this hemisphere, are demanding. The world today will no longer wait for capital to be accumulated before the people have the right to send their children to school, to live in decent houses, and to receive medical care for their sick and needy. To those in Latin America who say that these goals are unrealistic, our response must be that then we must recognize our thinking, we must take a long, hard look at our institutions. We must reappraise the basic theories by which we govern our actions and root out the myths. For the call to this type of revolution has been uttered. Today, after years of subdued whispers, it has been admitted by none other than the Governments themselves. And, regardless of what we might wish for, it will not go away.

I stand before you today, some of the leading lawyers and legal scholars in the United States, to talk to you about some of the problems we shall encounter in meeting this challenge, and to describe to you the institutional framework in which it will take place. The Alliance for Progress is not just another foreign aid program where the flow of dollars will be the extent of the demand made upon us. The program is a cooperative continental undertaking, with the mutual involvement of all the nations of the hemisphere. It is built upon the concept of a community of interests which is peculiarly American.

There is no reason, historical or otherwise, to think that a program such as this could have been instituted without the deep roots which have been planted in this hemisphere with the inter-American system, a system which recently celebrated its seventy-third birthday, and is the world's oldest existent system of international cooperation. Consider, for a moment, what the response might have been from the NATO countries if the United States had made such far-reaching demands for reform as a condition of its cooperation. Few other alliances of nations have made or could make these demands. The inter-American system, however, has constructed a solid foundation of achievement, fundamental achievements which enable such a program to be undertaken. I realize that many of you have not read a great deal about the inter-American system. This is so because it is not one which gathers headlines in the newspapers—precisely because its operation enables us to avoid those crises which make the headlines. All too often we take these achievements for granted, but they are the fabric

of international law and order. For example, outstanding in this field are the inter-American mechanisms for peaceful settlement of disputes. When last did you hear of armed conflict between American states? Yet how many of us know that almost a dozen times since the last war the inter-American system has been called upon to settle disputes which in other lands, on other continents, would have led to armed conflict. There is, in this continent, a respect for law, a yearning for orderly procedures, which, however often breached, remains the touchstone upon which a program such as the Alliance for Progress can be carried forward.

Recognition of the need for a massive cooperative program such as the Alliance for Progress did not begin in 1960. In 1958, President Kubitschek of Brazil proposed what he called "Operation Pan America" which set forth the grand design and issued the call for a joint undertaking by all the nations of the hemisphere to conquer the ravages of economic underdevelopment. In 1960, during President Eisenhower's administration, the United States and the nineteen other republics of the hemisphere signed the Act of Bogotá, which contained the framework for action to improve the living standards and social conditions of the American people.

Today we are all deeply committed to the success of this effort. To the Cassandra voices that herald its impending failure to speak disparagingly of the efforts to date, we must reply that it cannot fail. Its failure would be our failure; it would cast a cloud of darkness over the future of democracy and free institutions in the developing nations the world over. To ensure that this program will succeed in preserving the democratic structure of our society, we lawyers bear an especially important responsibility. We will have to work long and hard; we will have to listen carefully to the demands of the people, the ultimate sovereigns in a democracy, so that we can adapt the legal institutions of our society to their needs.

Unfortunately, my time with you today is not unlimited, and I shall not be able to give you a full idea of the scope of the problem which confronts us. The brief observations which I have time to make will concern a topic which should, perhaps, be given priority over other legal questions arising from the Alliance programs, because of the basic fact, which has long been recognized, that economic development and capital accumulation are the basic components of social progress. Thus, private investment is one of the first concerns of the Alliance, both from the standpoint of the immediate need to improve the climate for such investment in Latin America so that it might reach the levels foreseen at Punta del Este, and from the long term goal of providing the jobs, creating the purchasing power, and supplying the products that go to make up a thriving society. This was explicitly

recognized in the Charter of Punda del Este, which states that "the economic and social development of Latin America will require a large amount of additional public and private financial assistance on the part of capital exporting countries. . . ." Notwithstanding the importance of public funds, the financing plan of the Alliance, as foreseen at Punta del Este, contemplates that private capital from national and foreign sources will constitute the highest percentage of the total. The amount required is considerable. Based solely upon the record of the past, the target set by the Alliance for minimal increase of 5 per cent a year—2.5 per cent per capita increase based upon a 2.5 per cent population growth—is staggering, since it constitutes an increase of 32 per cent over the average annual growth of 3.8 per cent which was actually recorded in Latin America in the period of 1957-61.

This is an increase of 32 per cent of both domestic and foreign investment. For this reason, serious concern is being expressed over the fact that foreign capital investments in Latin America, instead of reaching the volume expected, are continuing the pronounced downward trend that began three or four years ago.

Professor Joseph Grunwald of Yale University has recently completed an astonishing study of the seven Latin American nations which represent the major portion of the area's gross product. He reports that during 1960-61, based on official United States and International Monetary Fund figures, net new direct investment by United States private enterprise in Latin America amounted to $229 million, while, in the same period, profit and interest remittances to United States enterprises on their investments totaled $1,307 million. Although this is not to be considered an unreasonable rate of return on investments which are estimated at over $10 billion, this transfer of capital from the nations struggling to improve the social conditions of their people to private United States investors doesn't help to facilitate the task of the Alliance. The figures published by the United Nations Economic Commission for Latin America on the rate of investment and remittance in Latin America do not portray any brighter picture. It thus becomes evident that the unilateral, bilateral, and even collective measures that have been taken to create incentives for increasing the flow of foreign capital to Latin America have a mammoth task confronting them. The vast amount of special legislation enacted by the Latin American countries and the agreements that they have concluded with the United States to guarantee certain types of investments have clearly not been as effective as was anticipated. The situation seems the more paradoxical if we take into account that, from an economic and trade standpoint, the opportunities offered by these countries are no less attractive than those offered by the countries toward which substantial amounts of international capital tend to flow.

The seriousness of the situation demands that we examine its true causes in order to determine how our profession can contribute to the search for methods and means of overcoming it. In this respect, it cannot be denied that one of the main reasons for the gradual erosion in the volume of foreign investments, and the continuing and alarming flight of private capital, lies in social unrest and the resulting political instability that prevails in Latin America. This complex phenomenon, however, even though it is a great deterrent to the mobilization of capital and other private resources, could not have had such a serious impact if not accompanied by other deterrents which also contribute to the deterioration of the climate for investment. I refer, particularly, to the presence of expropriation and nationalization measures, or similar policies which, at least in principle, appear to reflect an attitude that conflicts with the need and purpose to promote foreign investments.

I understand that this is a delicate question. It might even be thought that, owing to its highly political nature, it transcends the scope of the jurist. Frankly, I do not think so. To the contrary, I do not believe it unreasonable to state that there are few occasions in which the intervention of the legal profession is more fully justified. The problems present certain aspects that are uniquely within the competence of our profession.

Let us see what the question is. The right to expropriate and nationalize private property, whatever the nature of the property or the nationality of its owners, is inherent to national sovereignty, and is, therefore, inalienable. Either from the standpoint of domestic law or that of international law there is no doubt whatever about this premise. Doubts may arise, as they quite frequently do, regarding the conditions or requirements governing the exercise of that right by a state.

At the last session of the General Assembly of the United Nations, it was agreed that

> nationalization, expropriation or requisitioning shall be based on grounds or reasons of public utility, security or the national interest which are recognized as overriding purely individual or private interests, both domestic and foreign. In such cases the owner shall be paid appropriate compensation, in accordance with the rules in force in the State taking such measures in the exercise of its sovereignty and in accordance with international law.

As may be seen from the language of this passage of Resolution 1803 of the Seventeenth General Assembly, regarding "permanent sovereignty over natural resources," the restrictions imposed upon a state's exercise of sovereignty in this matter are not severe. The fact that the

resolution makes specific reference to international law does not alter this view, inasmuch as the practice followed by the states, domestically and internationally, has necessarily influenced international law, especially since the end of the last war. In short, despite the doubts that may still exist regarding the conditions or requirements governing expropriation and nationalization, it is evident that the state today enjoys great legal freedom to enact measures of this kind.

But, is this the real question facing us? Undeniably not. From the point of view of the objectives of the Charter of Punta del Este and the goals of economic development at which the countries collectively are aiming, the problem should be viewed from an entirely different angle. The question lies in knowing whether or not it is *advisable* to resort to measures of expropriation and nationalization. In other words, should not the advantages of such measures be weighed against the accompanying disadvantages of creating serious obstacles to the flow of capital? When a measure seriously jeopardizes interests in economic and social development, should not the state, without renouncing one of its sovereign rights, abstain from exercising it? It is well known that many states in other parts of the world adhere to this policy as one of the most efficient ways to promote investment. It must be remembered that when expropriation and nationalization measures are carried out, they are done in what is considered to be the public interest, while this same criterion is invoked when, within its national development program, a state adopts its policy with respect to private investments.

At this point we would do well to pause for a moment to examine some of the facts regarding expropriation and nationalization. These facts are important for they reflect legal principles which are widely accepted in many parts of the world. The fact is that when expropriation and nationalization measures are executed, they are invariably invoked against activities involving public utilities or natural resources. Except for Castro's Cuba, manufacturing or mercantile interests are rarely affected. The report of the Peter Grace Committee, submitted to the United States Department of Commerce, clearly portrays this fact. It is important that we, as lawyers, bear this in mind, for it is vital to the advice we are called upon to give to our clients. The situation regarding natural resources reflects an attitude rooted deep in the legal institutions of the American nations. The Constitutions of almost all the American states, written long before the current crises, and written with full representation of those groups most directly affected by today's expropriation measures, state that the wealth of the subsoil belongs to the nation. Indeed, the general principle in Latin America for centuries has been that when a foreign private individual or enterprise exploits natural resources or public utilities, he does so with a

concession from the national government. This concession is invariably for a fixed period of time, at the end of which the right to exploit the resource generally reverts to the state. While these concessions are frequently extended or renewed, the conditions under which the activity is undertaken are unquestionably clearly defined from the beginning. Even the most conservative elements in Latin America do not maintain that this type of activity is an unlimited right. In spite of the fact that these measures of expropriation and nationalization have not been practiced in the traditional fields of free enterprise, in industry and commerce, the psychological fears generated have not been without effect. We as lawyers, first of all, have the duty to our clients to acquaint them with the precise nature of this problem. But second, we have the duty to attempt to devise institutions that will ameliorate the injustices which may be perpetrated if the process is left solely to political expediency.

Here we come to an aspect of the problem which is not so markedly political as the one we were previously discussing. Considering that expropriation and nationalization are and logically should continue to be measures to which the state resorts when the public interest requires, and considering, furthermore, that as a consequence of measures of this kind, or because of other motives or situations affecting investments, controversies may arise between the state and the foreign investor, or between the state and the government of the investor's country of origin, the question exists whether adequate international methods and procedures can be devised for settlement of these disputes in a manner satisfactory to the parties. Clearly, presently available methods and procedures have not been entirely adequate and satisfactory for the foreign investor or, to be more precise, regardless of their actual efficacy, they have not generated a feeling of the minimum security that the investor feels is necessary and justifiable.

Aside from the validity or intrinsic soundness of this position, there is no denying that the mere existence of this belief has an unfavorable effect on the flow of capital. In this respect, then, there is no doubt that present methods and procedures for settlements are not, objectively speaking, capable of stimulating foreign private enterprise to invest in Latin America. But there is a positive side to this picture. The belief exists in many quarters that the climate for investment would noticeably improve if the Latin American countries would agree to new methods and procedures of settlement, either with the capital-exporting states, or directly with the investor himself. An encouraging start in this direction has been made by the Latin American countries through their unanimous support of the aforementioned United Nations resolution, which contains the commitment to seek settlement

of controversies arising from the question of compensation through "arbitration or international adjudication."

Unfortunately, we do not have the time on this occasion to explain even the general outlines of the international methods and procedures for settlement which have been mentioned. It is apparent, however, that the pronounced changes taking place in this field offer valuable experiences and are laying the groundwork which will enable the Latin American countries to experiment with adequate and satisfactory formulas for the settlement of investment disputes. I would like to take this opportunity to tell you that, as part of the Alliance for Progress programs carried out by the Organization of American States, the Department of Legal Affairs of the Pan American Union is presently concluding a study on systems for protecting private foreign investment.

Private investment, as important as it is, is only one aspect of the challenges which confront the lawyers of the hemisphere in their role in the Alliance for Progress. A brief glance at the Declaration to the Peoples of America signed at Punta del Este will outline the nature of this challenge, which encompasses everything from land and tax reform to labor relations and social legislation. This demands the modernizing of antiquated legal procedures to ensure swift and secure commercial transactions, modernizing courts and judicial procedures to ensure maximum protection in the shortest possible time to all segments of the population.

With the impatience that exists in the hemisphere today, results are being demanded that are impossible to achieve in a short period of time. That means that we must not waste any time in pursuing the goals which have been outlined. Since the Alliance is, and must remain primarily a Latin American program, as is evidenced by the fact that of the $100 billion goal set forth in the Charter of Punta del Este, $80 billion is to come from Latin American sources, the role which you, as an American lawyer, can play in the total effort, is necessarily limited. You cannot enact into law many of the measures you consider necessary, but you can be a pace-setter; you can help to analyze the problems, and set the example for a responsible profession in a free society. You can get to know your Latin American counterparts. You can acquaint him with the solutions which you have reached for these problems. You can aid him in analyzing the roots and causes of the various problems which confront us all. You can participate in a continuous dialogue aimed at awakening all the peoples of the Americas to the magnitude of the challenge. These are not insignificant tasks. As it has been frequently stated, the people of the Americas have many misapprehensions about the Alliance, principally because they are ignorant of its aims. Thus, it is of vital importance to the success of

the program that we inform ourselves of its aims, and fully understand them.

The Alliance has been called, and not without good reason, a program in "social engineering." But just as any engineer will design his project within the framework of natural physical laws, the social engineer's labor will have to be guided by the society's living law. It is here that the lawyer is called upon to exert his professional talents to the utmost of his ability. And it is here that we must not fail.

Mr. Junior O'Mara of Jackson reported that the Interprofessional Code for Physicians and Attorneys had been adopted by the State Medical Association. The Code was then read by Mr. Jack Travis of Jackson and was adopted by the Convention.[1]

THIRD GENERAL ASSEMBLY

Saturday, June 22, 9:30 a.m.

The meeting was called to order by President Carlton. President Carlton then entertained a motion for the approval of the report of the Needs of the Mississippi Supreme Court. The report was adopted.[1]

Judge John W. Kyle presented the report of the Study Committee. The report was adopted in its entirety.

Mr. Sherwood W. Wise of Jackson and Mr. James J. Carter, President, Alabama State Bar Association, delivered the following report concerning the Civil Rights Meeting in Washington.

Remarks by Sherwood W. Wise

I want to give you as best I can the facts of what happened in Washington yesterday, because I think it is of real interest to the lawyers and of real importance to the lawyers. I am sure the press has pretty well reported the background of this meeting and the fact that it was called and about 250 lawyers were there. I was sent up as a personal representative of the President of our Bar Association and by the Board of Commissioners. After careful consideration and somewhat at my request, I was given a statement of the position that they felt that I should take. Although they were kind enough to leave a good bit to my judgment, I preferred that I be at least generally instructed and I was.

I did not leave here until yesterday morning and arrived in Washington about three in the afternoon and went immediately to the White

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[1]All committee reports are in Appendix A.

House. I found that I was one of the first arrivals. There were only four or five there and they led us in and we stood around on the lawn for a few minutes in groups and then they invited us to come inside. They at first ushered us into the state reception room, I believe they call it—it was the first time I had been to the White House—where coffee was being served. While I was there I was pleased to run across two of my old college mates. One of them was president of the Kentucky Bar and the other was president of the Virginia Bar, so we had a pretty good visit. I hadn't seen them since the American Bar last summer. While I was there also Jerome Steen of Jackson came in. I hadn't known that he had received an invitation and he was there apparently from his position on the Junior Bar of the American Bar Association, so he was there, too, when I arrived. Of course John Satterfield—I knew he was coming, and we had a discussion there and John pretty soon came in. Finally, they asked us to move on through two or three rooms and into the East Room where the meeting would be held. After I was seated—and since we were early we were seated on the first two rows, that is, this Southern bunch which had gotten pretty well together by that time, we occupied the first two rows.

After we were seated Jack Young and William Higgs came in. I didn't know they were there either, but they did come in and they went to the back of the room. I never did have any conversation with either one of them.

After a while, the President came in followed by the Vice President and the Attorney General. The President made his talk and after him the Vice President and after him the Attorney General. I am sure also that you have heard from the press pretty much what they said. Their speech of course was under that theme which was their new civil rights legislation and also relative to certain leadership that they felt lawyers should be asserting. After we heard that and when that was over the President announced that the meeting would be thrown open to discussion, which we had not known whether this would be done or not or whether we would be permitted to say anything or not, although we were ready in case we had the opportunity, but it was.

First, he called on Sylvester Smith of the ABA, the President. He simply said that the Board of Governors had received his message and that they had appointed a committee to study the overall problem and had taken no further action except to appoint this committee. Then he asked for other comments and the first gentleman that got up was from Puerto Rico. I don't know what he said. I couldn't understand him and neither could Jim Carter or any of the rest of us. I couldn't tell you to save my life what he said. I think if he had spoken in Spanish I might have picked up a word here and there from sophomore Spanish,

but his English I couldn't understand at all. But anyway, that went along for a while and as soon as he hit the seat my good friend from Alabama, Jim Carter, asked to be recognized and he was. Jim made a perfectly magnificent presentation of the position of his state and, incidentally, I might add that in the President's remarks he had mentioned several instances in Alabama and of course he had mentioned Jackson and had mentioned Mayor Thompson—but anyway, Jim made a wonderful presentation of the Alabama position, and I thought handled himself with great aplomb, and that gave me a little courage so as soon as he hit the ground I got up and asked to be recognized. The President invited us both, first Jim and then me up to the podium, and we had an opportunity to speak to the group. It would be almost impossible to restate what I tried in my rambling way to say. I was very conscious of the fact that I was speaking for you and this was a sobering thought, I can assure you.

I told him first that I was quite confident that he would not expect me to agree with most of what had been said. I also reminded them that the subject under discussion was a very complex one and that I felt that everyone present recognized this fact. I told them that I would like to hope that they also recognized the fact that the complexity of the problem varied from area to area, from state to state, and even from community to community within the states. I told them that our presence there was to show our concern in the cause of constitutional government, and the orderly and fair administration of justice which might be promoted.

My statement from the Commissioners was there before me at that time and I told them that I realized that they did not want anything read so I summarized what is in this statement, and to shorten it I would like to read it to you because this is in substance what we said to them:

> The Board of Bar Commissioners of the Mississippi State Bar, by its representation at this meeting, expresses its interest and concern that the cause of Constitutional Government and the orderly and fair administration of justice may be promoted. By such representation it does not in any way approve of nor lend its support to the present unwarranted invasions of the reserved powers of the several states of the United States of America and of the people thereof, but on the contrary expresses its conviction that the present process of erosion of the Constitution of the United States constitutes a serious threat to the freedom of the individual citizens of the Nation.
>
> The Board further abhors the present wave of violence and lawlessness which is sweeping the country, and urges the President to use the persuasive powers of his office to bring an end to all such acts and deeds as threaten the peace and safety of this Nation and of its people and to discourage inflam-

> matory words from any source which tend to encourage the same. It believes that no legislation should either be introduced or considered in an atmosphere of emotional hysteria.
>
> The Board opposes any invasion of the personal and property rights of the people of this nation and expresses the conviction that such legislation cannot result in better race relations, but that this result can be achieved only by individuals of good will working toward the end in an atmosphere of peace and mutual confidence. We believe that the proposed Civil Rights legislation will only add to the present confusion and unrest, as will any legislation which is based upon the principle of force.

I requested that I be permitted to file this statement and I was permitted to do so and the statement was filed.

Incidentally, we were well received by the audience. They were cordial—I don't know whether they agreed or not, but certainly they received us courteously and with respect.

Then some other people asked to be recognized. First, I don't want to forget Arkansas because I think they helped—after me came Arkansas. Oscar Fendler, President of the Bar from Arkansas, asked to be recognized and he was, and he just stated in effect that what he had in his resolution had been covered by the two from Alabama and Mississippi and that he did not feel that there was any need to read it, but he would like to file it. Incidentally, he kind of brought the house down, because he walked up, in his way—if you know him—he is a great comic—he walked up in his way and said, "I am just a country boy from Arkansas" and walked around and shook hands with the President, the Vice President, and the Attorney General.

By that time there wasn't too much time left. There was a statement from CORE, the attorney for CORE, which I don't think was really too well received, frankly. There were two or three other statements and then the President said he didn't mean to start a debate and that probably enough time had been consumed and he left with the Attorney General and the Vice President, but then he asked Mr. Harrison Tweed of New York and Mr. Vernon Siegel of Philadelphia to come forward with the idea of seeing if a committee of this group could be formed. I had also mentioned in my remarks that I was going to report this back to this convention, and that we would stand ready, we would be bound by the will of this convention. On this committee, I don't know exactly what the idea is, but it was said that anyone there who was willing to serve on it could send his name in with any restrictions or qualifications that he cared to put on his membership on the committee. Personally, I can see both sides of whether or not we should, through the people who were invited up there, Sidney and several of us who had, I should say, the official sanction of some of the Bar Commissioners, whether or not that should be done. I have mixed

feelings about it. I definitely think that it should not be done until it is very, very carefully studied, and then if it is done that it should be hedged by all kinds of restrictions of statements as to the positions particularly with reference to the proposed legislation. I think our position on that is crystal clear and that no one should be put in a position of speaking for the lawyers of Mississippi without at least clearing it through—whatever is said or whatever is done—the Board of Bar Commissioners. That, I think, can await the election of the new Board and the taking of office of the new President and then they can maturely consider and decide what, if anything, they want to do about that.

Ladies and gentlemen, that's about it. Now I have with me the statement filed by Alabama and by Arkansas, and fortunately I have with me the gentleman from Alabama and with whom I was in close collaboration and whose company I enjoyed so much. I knew all about Jim Carter, he is the President of the Alabama Bar and just in case I have left anything out or misstated anything or failed to state something, I would like very much to ask Mr. Carlton to extend to our friend from Alabama the courtesy of the floor.

Remarks by James J. Carter

In the President's talk—first, let me say this, it was a genuine pleasure for me to have a man like Sherwood Wise on my right hand and Oscar Fendler on my left. Sherwood Wise as your representative made a presentation that was restrained, dignified and firm and something that was listened to by the President. In the President's speech, of course, he made a speech for the Civil Rights program and the legislative program. Significantly he said, "You know, this program may not pass, or some of it may not pass." That is the first time I ever heard a man make that statement right in the first inning of the ball game. At times he spoke rather frankly. He spoke of his concern over the demonstrations over the country. He said the Negroes had reached the point where it was obvious that during the summer they were going to press for their rights by one means or another. He mentioned Gadsden, Birmingham—the Birmingham situation rather at length—and the Attorney General spoke of the Birmingham situation in his talk and told of the need for bi-racial committees. Some of them even talked about the fact that Negroes in the South could not get legal representation. With that I felt that if I had an opportunity I must say my piece.

When he recognized me I started to speak from the floor as others had. The acoustics were bad and they asked me to turn around. I do speak rather loudly, but they still couldn't hear, and the President very kindly asked me to come up and take his place, which I did.

I pointed out that on the question of representation, the rule that

we have in my state is to afford counsel to all indigent defendants without regard to race or creed. I pointed out to him that on the bi-racial committee proposition, such a committee was already in existence in Birmingham when all of this started. I pointed out to him that I was concerned with his statement, which seemed to indicate to me a resignation to the fact that these rights were going to be gotten by one means or another. That "another" worried me. In substance, and with your permission, I have summarized what I said, and I want to tell you.

I told the President:

> Mr. President, in the name of law and order, the time is long past due when people in high places in this country should stop encouraging and should speak out against the exhibitionists and publicity seekers who seek to inflame the emotions of men with what they call nonviolence—freedom rides, freedom walks, kneel-ins and street demonstrations. These are devices of duress, pressure and threats and pressure begets pressure and chronic hostility, and ultimately frustration and violence. Law and order, Mr. President, is not just for white citizens. Negroes, too, are subject to law and order. The many blessings of liberty, which can be enjoyed only in an orderly society, carry with them many responsibilities, and Negroes who seek rights must demonstrate their responsibility, and I say to you that in the Birmingham situation it was a shocking disgrace, a shocking shame and a reflection upon the good Negro citizens of the State of Alabama. To destroy order in the name of liberty is to invite anarchy and order can no more be rightly offended by Negroes than by white persons.

Then I pointed out to him that law and order had not been broken down in Alabama, and I called his attention to the Attorney General's statement about bi-racial committees, and I said,

> Now the Attorney General knows as well as I that before the racial demonstrations began in Birmingham there was a large bi-racial committee, and I understand that committee and representatives of the Negro community were making great strides, and what I have to say now, Mr. President, is not my language but the language of Father Albert S. Foley, who is a priest of Spring Hill College in Mobile, and he had a very unpopular job—he was the Alabama Chairman of the Advisory Committee to the U. S. Civil Rights Commission who was quoted in a press dispatch on May 11 as follows: "The white community of Birmingham has observed law and order; the Negro community has not observed law and order." Then another press dispatch said further: "Foley said a member of the Southern Christian Leadership, which King heads, told him the group's treasury was nearly depleted and demonstrations were needed to spark lagging contributions." Is this responsible conduct, Mr. President, or just a front for a massive fund raising campaign? I say to you such conduct under such cir-

> cumstances was disgraceful and a shame on the Negro community of our state.
>
> In conclusion let me say that law and order—we believe in it, yes, but Negro agitators and their sympathizers and followers are not a privileged class, above the law, and they should not be encouraged to so believe. The lives, liberty and property of citizens should not be allowed to be placed in jeopardy by any lawless element, whether it be white or black.

I thanked him and sat down. He replied to me in a courteous way and he said that that was true, that the Attorney General himself had spoken out against these demonstrations and advised Martin Luther King—he didn't call him "doctor" at this conference—but he recognized some of these things and was most courteous.

So my part of the program ended and the others came on, Mr. Wise and Mr. Fendler, and some other remarks, and later, as we left, we were met by the President and the Vice President. They thanked us for coming and said they appreciated our viewpoints. Whether they did or not I don't know, but at least we had an opportunity for once in our lives to say our piece.

Mr. Hugh N. Clayton of New Albany introduced Mr. Walter E. Craig, President of the American Bar Association, who delivered the following address.

ETHICAL RESPONSIBILITIES OF THE INDIVIDUAL LAWYER

Walter E. Craig

Probably the first reaction to the title of these remarks "Ethical Responsibilities of the Individual Lawyer" is one which brings to mind the Canons of Professional Ethics, whether they be the Professional Canons or the Judicial Canons. Obviously the Canons of Professional Ethics constitute the guidelines or framework within which the lawyer practices his profession. This is equally true as it applies to judges and the Judicial Canons of Ethics. This is much the same as saying a good citizen of the community with a good understanding of moral values will conduct himself in his daily life and activity according to the Ten Commandments, or at least according to the Golden Rule.

For many years the course in Legal Ethics in the majority of American Law Schools was confined to a study of the forty-seven Canons, a teaching of what not to do in the course of practice, and a review of cases and opinions interpreting or construing the several Canons. This situation no longer exists today. The Law Schools of

America are happily in somewhat of a turmoil as to the proper approach to the teaching of the ethics *and* responsibilities of the legal profession and the individual lawyer. The scope of the subject of ethics is enlarged tremendously, when it quite properly includes areas of *responsibility*. Thus, from a more or less rigid concept of prohibitions—the negative approach—the subject is enlarged to include the active or affirmative approach of professional and individual responsibility.

The American Bar Foundation will shortly release a work by Mr. LeRoy L. Lamborn, research attorney for the Foundation, entitled "The Teaching of Legal Ethics and Professional Responsibilities in American Law Schools."[1] Mr. Lamborn points out that:

> The methods used to teach legal ethics and professional responsibility in the Law Schools are varied in form, in content, and in effectiveness. They range from the highly refined to the barely existent. Yet the extent of such teaching is considerable, there may even be cause for surprise for many persons who have been disposed to criticize legal education for failing to meet its responsibilities.[2]

The advocates of comprehensive teaching of Legal Ethics and Professional Responsibility give four general reasons why this subject can and should be taught. First, the conscientious student will be encouraged by learning the concern of others over the obligations of lawyers. Second, the knowledge obtained will make it less likely for the young lawyer to violate the Canons through mistake or ignorance. Third, the less conscientious student will well become convinced of the benefit, to the profession and to himself, of adherence to the Canons and of the assumption of professional responsibility. Fourth, the student who may tend toward the unethical will become aware of the sanctions imposed for unprofessional conduct, and may thus be restrained in his future activities.[3]

The considerable turmoil in the educational ranks arises from questions as to the scope of the course, content of the curricula, the number of hours devoted to the subject, the number of credits to be given, and finally whether the direct method or the pervasive method should be the proper approach. I suggest that this current turmoil in the educational field is all to the good because from it we may discern the fact that legal educators are vitally concerned with the subject of legal ethics and professional responsibilities, and as a result we may expect in the near future a thorough and comprehensive treatment of the subject in our law schools to the end that the young law graduate will

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[1] LAMBORN, THE TEACHING OF LEGAL ETHICS AND PROFESSIONAL RESPONSIBILITIES IN AMERICAN LAW SCHOOLS, 1963.

[2] *Id.* at 1.

[3] *Id.* at 2.

not only come out of his school well equipped in the do's and don'ts of his professional conduct, but will be ready to assume the responsibilities which society may expect of him.

The commands of the Canons, to borrow a phrase from Sir Francis Bacon's much quoted Preface to his Maxims of the Law, seek to assure that in their practice of law "men shall carry a respect not to descend into any course that is corrupt and unworthy thereof." It is, of course, not necessary to elaborate the importance or necessity of this. Basic rules of conduct of one sort or another apply to all men, and it is not their presence, but rather their lack of presence that is worthy of comment.

Although a modest amount of satisfaction may perhaps be permitted to someone because he has not taken the corrupt road, this certainly does not constitute sufficient grounds for a feeling of pride or accomplishment.

The legal profession has long recognized the importance of the affirmative side of professional ethics. For a long time attention has been paid to what Chief Justice Stone called "Obedience to the Unenforceable." "It is needful," the Chief Justice said, "that we look beyond the club of the policeman as a civilizing agency to the sanctions of the professional standards which condemn the doings of what law has forbidden."[4]

More recently, although this is not something that was not recognized in former days, there have been strong efforts to broaden the meaning of the "Observance of the Unenforceable." The term "Professional Responsibility" has come into use in connection with this. Legal literature abounds with the discussion of this topic. Recently representatives of the American Bar Association have devoted much of their time to the propagation of this concept, and there have been important conferences dealing with this subject (Arden House Conference on Continuing Legal Education, 1958; the Boulder Conference on Education of Lawyers for Their Public Responsibilities, 1956). Many things have been discussed under this general heading, but a very good definition of the basic idea is given by Dean Countryman in the Preface of his recent work *The Lawyer in Modern Society*. "The minimal notions of etiquette and honesty embodied in existing ethical standards are too restricted to encompass the full measure of the profession's aspiration and of society's legitimate expectations."

The words "society's legitimate expectations" are really the key words in this definition. In addition to the "minimal notions of etiquette" the society expects something more. To look beyond the club of the policeman is vaguely a part of this, but this most specifically refers to one's conduct in the daily practice of law. The phrase in the

[4]Stone, *The Public Influence of the Bar*, 48 Harv.L.Rev. 13 (1934).

Preamble to the Canons of Professional Ethics which states that the conduct and the motives of our profession must be such as to "merit the approval of all just men" comes closer to this because it at least strongly hints at the necessity of obtaining and maintaining the approval of the public at large; "all just men" and "society" when one considers it thoughtfully are very nearly synonymous. Although there are individual members of society who are unjust in their behavior, the society as a whole is just, because our whole system of laws emanates from it; from the just men who collectively are the society. There is a bigger difference, however, between "approval" and "expectations." "Approval" has a passive connotation—it means something that is not disliked—whereas, "expectation" carries with it a sense of command that goes beyond the simple tolerance of an act.

The form of our government and society being what it is, we do not attempt to force a man to do more than to abide by certain minimal rules of conduct. The society, however, expects more from all men, from each according to his position and qualifications.

The affirmative responsibilities of the individual lawyer in today's society are manifold. In his professional capacity he fulfills these responsibilities as a counselor, as an advocate in open court in the administration and development of law. The lawyer, in effect, is a guardian of due process. He is aware of the responsibility to make legal services available to all who need them (*i.e.*, Legal Aid and Defender Programs). As a guardian of due process, it is incumbent upon him to accept the responsibility of the representation of unpopular causes. He is also the moving force in legal reform. Among his many professional responsibilities is that of continuing education in the law—the individual lawyer's responsibility to maintain and improve his professional competence.

Since the Arden House Conference on Continuing Legal Education in 1958, jointly sponsored by the American Bar Association and the American Law Institute, there has been a vastly increasing interest in the current education and training of the practicing lawyer. From a minimal number of comprehensive and well organized programs, there are today twenty states whose professional Associations have full or part time directors of programs on Continuing Legal Education. There will be held in the near future, again under the joint sponsorship of the American Bar Association and the American Law Institute, another national conference on Continuing Legal Education—this time the emphasis will be upon ways and means to improve the quality of Continuing Legal Educational programs, rather than upon the necessity for them as in the original instance.

Aside from, and in addition to the lawyer's responsibilities of a professional nature, are his responsibilities to society, arising out of his

educational and professional background. Today, as never before, it seems to me to be incumbent upon the members of the legal profession to assert leadership in the struggle to maintain the philosophy of freedom under law, respect for law and property rights, and respect for the inalienable rights of the individual citizens.

Programs such as Law Day, U. S. A., American Citizenship, World Peace Through Law, Education on Communism and its Contrast to Liberty Under Law, are all evidence of the assumption by the organized Bar of America of its responsibilities to our society. In the final analysis, however, the efforts of the organized Bar in its endeavors can be only as successful as the individual lawyer, through his individual acceptance of responsibility, will allow.

At this particular period in our history, it seems to me imperative that we, as lawyers, should assert the leadership for which we are so well qualified, through native intelligence, education and daily activity, in order that we might adequately educate our young people and our fellow citizens, less versed in the subject than we, to the merit and genius of our complex form of government, of a free people under law, and to the destructive dangers inherent in international Communism. It seems to me that we should undertake this task so successfully that our young high school graduates, and ultimately a vast majority of our citizens will be able to debate a Communist of equal or better formal education as to the merit of our system as opposed to theirs, and moreover, to debate successfully. Again, the organized Bar can lead the way, but only the individual lawyer can accomplish the result.

It isn't very easy to accept a lawyer's responsibilities to his profession, to the public, and to his country; and no organization or society of lawyers or judges, regardless of whether it is local, state or national, can do it for you, and you can't do it sitting on your hands. You have to do it all by yourself, and how much time do you have? You have a lifetime, and that may be until tomorrow, or next week, or next month, or next year, or five years, or ten years, but you can be mighty sure of this—whatever may be your time, it is running out.

Mr. Dan H. Shell of Jackson presented the various reports of the By-Laws Revision Committee.[1]

The report of the Resolutions Committee expressed, on behalf of the members of the Bar, its appreciation to those who planned and conducted the convention program. A resolution was presented expressing the views of the Bar on the recent meeting at the White House on civil rights problems. A resolution was presented extending the time that the State Library will be open, and another expressing

[1]All committee reports are in Appendix A.

the Bar's appreciation to Judge W. G. Roberds and Judge Lee D. Hall for their efforts and devotion to the Bar. All resolutions were adopted.

The next item of business was the election of officers. Mr. Forest Cooper of Indianola nominated Mr. Earl T. Thomas of Jackson for the office of First Vice-President; Mr. Billy Bacon of Jackson seconded the nomination. Mr. Thomas was unanimously elected.

Mr. Frank A. Riley of Tupelo was nominated by Mr. George P. Hewes, III, of Jackson for the office of Second Vice-President and was elected by acclamation.

Mr. Edward Currie assumed the Chair. The following Commissioners were elected:

District 1—Byrd P. Mauldin, Pontotoc
District 2—Albert Sidney Johnson, Jr., Biloxi
District 3—Lester F. Sumners, New Albany
District 4—Willard L. McIlwain, Greenville
District 5—W. H. Fedrick, Grenada
District 6—W. A. Geisenberger, Natchez
District 7—John E. Stone, Jackson
District 8—Roy Noble Lee, Forest
District 9—George W. Rogers, Jr., Vicksburg
District 10—G. F. Dabbs, Jr., Quitman
District 11—Eugene Thompson, Marks
District 12—W. Arlington Jones, Hattiesburg
District 13—Willis T. Matthews, Magee
District 14—Joe N. Pigott, McComb
District 15—Floyd P. Smith, Prentiss
District 16—Harvey S. Buck, West Point
District 17—Herbert M. Fant, Sardis
District 18—Lowell W. Tew, Laurel
District 19—Edmund A. Wilson, Pascagoula

The Fifty-Eighth Annual Convention of the Mississippi State Bar then adjourned *sine die*.

The following is a list of the past presidents of the Mississippi State Bar:

1906—G. H. Shands (deceased)
1906—Murray F. Smith (deceased)
1907—C. H. Alexander (deceased)
1908—J. S. Sexton (deceased)
1909—T. H. Somerville (deceased)
1910—W. H. Powell (deceased)
1911—A. F. Fox (deceased)
1912—R. N. Miller (deceased)
1913—Robert B. Mayes (deceased)
1914—Sydney Smith (deceased)
1915—R. B. Campbell (deceased)
1916—A. T. Stovall (deceased)
1917—A. A. Armistead (deceased)
1918—S. E. Travis (deceased)

1919—J. B. Harris (deceased)
1920—Gabe Jacobson (deceased)
1921—Geo. J. Leftwich (deceased)
1922—J. B. Holden (deceased)
1923—R. H. Thompson (deceased)
1924—Stone Deavours (deceased)
1925—J. N. Flowers (deceased)
1926—D. W. Houston (deceased)
1927—R. E. Wilbourn (deceased)
1928—George W. Currie
1929—T. C. Kimbrough (deceased)
1930—George H. Butler (deceased)
1931—W. W. Venable (deceased)
1932—Jeff Truly (deceased)
1933—J. H. Price (deceased)
1934—W. Calvin Wells (deceased)
1935—Frank E. Everett (deceased)
1936—David E. Crawley (deceased)
1937—Marion W. Reily (deceased)
1938—R. M. Kelly (deceased)
1939—W. H. Watkins (deceased)
1940—W. E. Morse
1941—Alexander Currie (deceased)
1942—Charles F. Engle (deceased)
1943—Ross R. Barnett
1944—Bidwell Adam
1945—Earle L. Wingo (deceased)
1946—R. C. Stovall
1947—Stokes V. Robertson, Sr. (deceased)
1948—Phil Stone
1949—Robert W. Thompson, Jr.
1950—Gibson B. Witherspoon
1951—Quitman Ross
1952—Charles B. Snow (deceased)
1953—Jerome S. Hafter
1954—Robert J. Farley
1955—John C. Satterfield
1956—M. M. Roberts
1957—W. S. Henley
1958—Breed O. Mounger
1959—Hugh N. Clayton
1960—David Cottrell, Jr.
1961—Sherwood W. Wise
1962—C. Sidney Carlton

PROCEEDINGS OF THE TWENTY-SEVENTH ANNUAL MEETING OF THE JUNIOR BAR SECTION

Held at Jackson, Mississippi, June 20, 1963

The General Assembly of the Junior Bar Section was called to order at 1:30 p.m., June 20, 1963, in the Heidelberg Hotel, Jackson, Mississippi, by Mr. Frank A. Riley, President of the Junior Bar Section.

The invocation was delivered by Mr. James C. Pittman, Jr., of Greenwood.

The address of welcome was delivered by Mr. B. B. McClendon, Jr., of Jackson, and was responded to by Mr. Sherman Muths of Gulfport.

Mr. George Hewes, III, of Jackson then introduced Mr. James R. Stoner, Chairman of the Junior Bar Section of the American Bar Association, who delivered the following address.

ADDRESS OF JAMES R. STONER

I particularly want to comment on the Junior Bar continuing legal education programs which have been sponsored by your Mississippi State Junior Bar and by the Hinds County Junior Bar. This is an area which to me is an area where the Bar owes itself a continuing responsibility. It not only owes itself that responsibility, it owes the responsibility to the families, the members of the families of every member of the Bar; and, what is even more important, to the public at large. I believe that a lawyer is only as good as his ability to keep up with the changes in the law, and I believe that the profession owes itself the obligation of continuing to improve the educational standards, to continue to improve the abilities of the individual members of the profession to serve the public, and in your lawyers' seminars which you have sponsored is just this kind of program. The Mississippi Law Institute sponsored by the Hinds County Junior Bar is this kind of program. This to me is the extreme fulfillment of an organized Bar in the area of taking care of itself—in taking care of its housekeeping functions, shall we say—in taking care of its obligations to keep itself educated, to keep itself up with the times so that it may properly represent the public for the public good.

I might say on the area of Continuing Legal Education that at the present time more than thirty-six states are sponsoring a Continuing Legal Education Program similar to your Young Lawyers' Seminar. This

program, as some of you may know, originated with the Florida Junior Bar some seven or eight years ago, and by its example has spread to more than thirty-six states at the present time. This is an area where a Junior Bar group can render a tremendous service to the Bar as a whole in organizing and operating a continuing legal program.

I might tell you briefly some of the programs of the Junior Bar Conference; what it is, and what it is trying to do. Number one, the Junior Bar Conference is made up of approximately 31,000 members at the present time who are members of the American Bar Association under thirty-six years of age. Each member of the American Bar Association is automatically a member of the Junior Bar Conference through the end of the calendar year in which he becomes thirty-six years of age. Last September 31, we had approximately 33,000 members. With the cut-off of those who had gone "over the hill," as we say, our membership dropped to just slightly under 30,000. At the present time it is approximately 31,000 members and, of course, they are scattered in fifty states.

The Junior Bar Conference has tried to serve these members. As you know, we publish a *Young Lawyer* which is mailed to every lawyer four times a year. We have had excellent response from some of the articles appearing in that publication.

In addition to this, during my term as an officer of the Junior Bar Conference, and I say that as having been secretary and vice-chairman prior to holding my present office, we initiated a program of publishing several pamphlets which we felt were of extreme importance to the young lawyers of this country. Number 1 was a pamphlet explaining what the Junior Bar Conference is and the importance of participation in the organized Bar. The second was a publication called "The Unauthorized Practice of Law." It is a very short, six page, concise statement of what the unauthorized practice of law is. This pamphlet was published and mailed to approximately 15,000 members of the Junior Bar Conference. Unfortunately, budgetary limitations prevented the mailing of this pamphlet and the companion pamphlets to all of the members of the Junior Bar Conference, but I hope that in the near future we will be able to mail these publications. The unauthorized practice of law is an area where I believe each young lawyer needs to know at the time he is admitted to the Bar some information concerning what it is, how it affects him, how it affects his practice, and, most important, how it affects the public, how it affects his clients. The publication of this pamphlet is designed to give that information to the young lawyer in a thumbnail sketch.

Another area is the Economics of the Law. We have published a twenty-five page, concise statement of the economics of the law, containing eleven questions about law practice and eleven answers from young

lawyers. I might just read from the table of contents to give you an idea of the type thing covered in this publication.

How can I get the most work out of my time?
What about partnerships?
Should I try to specialize?
What office equipment should I buy?
How and when should I buy it?
How can I acquire a law library?
How can I get clients? (Now that's one, if any of you have an answer, let me know.)
How should I conduct conferences with clients?
Should I keep time records?
How shall I compute my fee?
How shall I present the statement?
What about Bar Associations?

As I say, this is a thumbnail sketch covering some of the important areas of the economics of practice which I personally believe is extremely important to every young lawyer. Unfortunately at the present time this publication is out of print. If it were not, I could say that I would request our office to mail one to each one of you in the room. I hope that it will be in print in the near future and, if you are interested in receiving this, please feel free to write to the Junior Bar Headquarters of the American Bar Association for this pamphlet. I have only one copy available but anyone who might like to look at it, it is available and I will have it after the meeting for your consideration.

I might just mention another area where we are preparing a pamphlet at the present time, and that is in the area of professional responsibility. I notice that you have covered this subject in your program—tomorrow, I believe. This is an area, I think, that each young lawyer is entitled to have information at the time he is admitted to the Bar, hence our decision to publish a thumbnail sketch type of pamphlet dealing with this subject. This subject has been covered very effectively by some of the state bars. I have here with me a pamphlet publishd by the Board of Governors of the Conference of Barristers of the State Bar of California. The Conference of Barristers is their name in California for the Junior Bar Section. This is a very effective publication dealing with professional responsibilities of the young lawyer. Anyone who might like to look at this, it is available. Unfortunately, I have only one copy.

Secondly, to give you an idea of something that we have done in the past few months, the Junior Bar Conference has published an article or pamphlet entitled "The Young Lawyer and the Federal Government." Now this is a thumbnail sketch written by young lawyers in fifteen sep-

arate federal government agencies. The purpose of the pamphlet was to describe the duties and responsibilities of an attorney in each of these fifteen federal government agencies. There are many people who feel that the federal government has a very difficult time competing for the best of the legal talent in the country, where it is competing with private law firms, private practice, with corporations, etc., and there are many who feel that it was important that the young lawyer, the student shall I say, be given some information about the type of responsibilities and the type of duties that he could be entering as an employee, as an attorney employee in the federal government; hence, the publication of this book. This was distributd to all accredited law schools in the country, and I believe to all of the State Bar Association libraries as well as the State Bar Association Junior Bar Chairmen.

I think that is enough about the Junior Bar Conference and some of its programs except that the topic of my speech today is the "Compensation for Assigned Counsel in Federal Courts," and I might tell you what the ABA and the Junior Bar Conference has done in this area over the past years. As you all know, in the federal courts any member of the Bar is subject to be assigned to represent an indigent defendant either in the district court or the court of appeals, or even in the United States Supreme Court. This representation is the obligation of the Bar. The Bar has successfully fulfilled its obligation in the past years.

For the past twenty-five years the American Bar Association has advocated compensation for those attorneys who are assigned to represent indigents in the federal courts. As of this moment no legislation has ever been passed by the federal legislature—by the Congress. In 1959 the then Chairman of the Junior Bar Conference, Kirk McAlpin of Savannah, Georgia, appeared before a House committee. He spoke of the problem and of the basic unfairness of the present system.

I might say just two weeks ago I was personally assigned a case in our court of appeals. I was assigned the task of representing one of two men who were convicted in our district court of robbery, and the facts are rather unusual. These two fellows about eight or nine o'clock on a Friday night broke into a Catholic Church in Washington, and then proceeded to rob the church of the collection boxes, the poor boxes, and proceeded to take from one of the Catholic priests the priest's wrist watch and other items of personal property. There were two Catholic priests in attendance in church at the time the robbery occurred. One of them had a heart attack during the robbery, while the robbery was being conducted, and subsequently died. However, sometime later two persons were apprehended and were charged with robbery—nothing more—just robbery. The case was tried in district court and the jury returned a verdict of guilty. Both defendants appealed. I was assigned to represent one of them in the U. S. Court of Appeals. And I might say that the

better part of the reason why I wasn't able to be with you last night was the fact that we filed a motion for summary reversal just yesterday in that particular case.

Now why do I give you this personal example? I give you this example just to say that at the present time and to illustrate that right at the present time, young lawyers—and not only young lawyers, but lawyers, members of the legal profession—are representing indigent clients in our federal courts without any compensation, and without any reimbursement of any expenses incurred. Now, in my particular case, I go from my office to the District of Columbia jail to interview my assigned client. That is a ninety cent cab fare one way. That expense is paid out of my pocket. There are no funds appropriated by the federal government for the reimbursement of expenses, let alone any compensation for the time the attorney devotes in representing indigent clients.

For twenty-five years, as I have stated, the American Bar Association has attempted to have Congress enact legislation to correct this situation, but at the present time no legislation has been enacted. I will quote from a statement made by Kirk McAlpin before the sub-committee of the House Judiciary Committee in 1959. Under the heading "The System Is Unfair," he says this: "Certainly our present system is unfair. The Sixth Amendment to the Constitution assures every accused the assistance of counsel in his defense. This means if the accused does not have adequate and effective counsel." I think we all know that the Supreme Court has said this over and over again, that anyone accused in the federal courts is entitled to counsel, and he is entitled to effective counsel. In the federal district courts, counsel are appointed to represent such cases not only without reimbursement or partial compensation for time and talent, but even without payment for actual expenses in investigating, tax, testimony, and doing all necessary research preparatory to trial. Now that condition is still existent today.

Just a few weeks ago, on May 20, I had the privilege of appearing before the Senate Judiciary Committee that was holding hearings on a bill which is presently before the Congress to correct this situation. The bill is called the "Option Bill" in colloquial terms. The options provided by this bill are these: the bill would provide that counsel assigned to represent indigent clients in the federal courts would be compensated and each district, each federal district, would be given the option of using a particular type of procedure for compensating the assigned counsel. Number one is the public defender. The judge in any district could decide that their district is particularly useful to hiring a full time public defender, with such assistance as he may need, such investigators as he may need. This public defender would be compensated from federal funds appropriated for that purpose and the reimbursement of all expenses in operating a public defender office would be taken care of. That is the first option.

The second option is the compensation of individual assigned counsel. That means that if I am assigned to represent an indigent in the federal courts, the federal judge handling that particular case would decide on a fair fee to me following the conclusion of the trial of the case. This would be done on an individual basis compensating an individual attorney.

The third option would be the payment to Legal Aid Societies for the reasonable costs for investigations and for reasonable compensation for the attorneys representing the legal societies who represent indigents in the federal courts.

The fourth option is a combination of the first three. Now, what is the purpose of this bill? The purpose of the bill is to compensate these attorneys. The procedure that is used, as you can see, is dependent entirely upon the will and the wishes of the judges in any particular federal district. For instance, I am informed that in Los Angeles in the state courts they have a public defender system. This has worked very effectively. The California Bar likes the public defender system.

There are more than thirty states that presently compensate assigned attorneys in the state courts, while in the federal court there is no compensation. There are many areas where undoubtedly a judicial district would elect to compensate individual attorneys, which means that they would follow through with the present procedure of assigning an individual attorney in individual cases, and that in each case the attorney would petition the court for a fee following the conclusion of the case and the amount of the fee would be somewhat at the discretion of the Judge. Some of the bills provide $10.00 per hour for investigative work and $15.00 per hour for actual trial work.

There are other districts, such as in New York, where probably the use of the Legal Aid Society system would be adopted by that district. In New York City I am informed that through the public support of the Bar and the community, there has grown up and developed over a period of years a very effective legal aid society. This society is supported entirely by private funds at the present time. The society hires lawyers on a full time basis, assigns them to represent indigents in the federal courts, assigns them to represent indigents in the state courts; and, secondly, assigns them to represent indigents in the civil areas. The New York Bar is very pleased with this arrangement. Under the option bill that society would be reimbursed by the federal government for the reasonable value of the attorney's services in representing indigents in the federal courts.

The fourth option, as I explained, could be a combination of all four. That is the bill before the Congress at the present time. I had the privilege of testifying before the Senate, and also before a House subcommittee of the House Judiciary Committee on this particular bill, in

behalf of the American Bar Association. I testified with the President, the Past-president, Whitney North Seymour, and also John Comiskey of Michigan, who is the Chairman of the ABA Committee.

In the Senate it appears that there is a great support for the bill. The bill was passed at the last Congress by the Senate. It was not reported out of the Judiciary Committee in the House. In this Congress it appears that the Senate will again pass the bill. For some reason the Senate seems to like the public defender idea. By the same token, for some reason the House of Representatives sub-committee does not like the public defender bill.

At the end of the hearings on May 22 before the House, I was told that there seemed to be a very good possibility that the House Judiciary Committee would report out to the entire Congress a bit of this option bill to provide compensation for assigned counsel.

I have been informed within the past several days that there are a number of men on the House Judiciary Committee who do not like the public defender aspect of that bill, and in all probability will try to keep the entire committee from reporting the bill out. What will happen I don't know. I can say this: during my testimony before the House Committee, Congressman McCulloch of Ohio, who is a Republican and who has been very outspoken against any legislation in this area, had this to say—and I believe that this is the first time that this type of public acknowledgment of the need for legislation in this area has been expressed. I might say preliminarily it was near the end of the day, the committee had been sitting all day, time was running short, and he interrupted my testimony while I was reciting several cases of extreme hardship, where young attorney's had represented clients in federal courts at great personal sacrifices to themselves. He had this to say:

> I think the entire sub-committee and all of the committees have long since made up their minds that an attorney assigned by the Court to defend a defendant who has not the money to pay for that defense, should be compensated and should be compensated reasonably well. In view of the lack of time and the events that we all have later for this evening, I will admit that without further proof.

This is the first time that a member of the House Committee has publicly acknowledged that there is a need for legislation in this area. Whether or not the Congress will adopt legislation remains to be seen. I think that for the well-being of the legal profession, it would behoove our interests to get behind this legislation and to urge the adoption of legislation in this area. I am not saying what kind of legislation; I am saying that there is a need for legislation. It is unfair for a young lawyer to spend ten weeks in trial—this is trial time—continuously, without compensation. I hate to think what would happen to my practice if I were assigned to that kind of case. It is unfair to ask a lawyer in Salem,

Oregon to spend eleven weeks in the actual trial of a case, not the preparation but the actual trial of the case. It is unfair for an attorney in Laramie, Wyoming to spend two months in the preparation and trial of a case, and a third month, another month, in the trial of the case itself—three months. I ask you to ask yourself what would happen to your practice if you took three months solid out of your practice and devoted it to the defense of an indigent assigned client. This is unfair for any one particular attorney. It is not the obligation of any one attorney to support the obligations provided in the sixth amendment.

It is my feeling, and I believe this is shared by the House of Delegates of the American Bar Association, that it is unfair to ask any one attorney, or to continue to ask the legal profession to shoulder the entire economic responsibility of providing defense in the federal courts to indigents who are accused of crime. I believe this is an obligation that belongs to the entire community. It doesn't belong on the individual attorney, and it doesn't belong on the legal profession.

On the other hand, not for a moment do I advocate that the legal profession shirk any of its responsibilities in the area of providing legal assistance to those who need it. I think our profession has performed well in the years past. I think that each of us does not want our profession to become primarily a money-making proposition. It is our obligation when we take the oath of office, I believe, to provide an adequate defense to any person who is accused of a crime. It is our obligation to provide that defense, but in fairness to ourselves, in fairness to our profession, we cannot continue as a profession to enact or to carry out the leadership which the public expects of us, the role of leadership that the public expects us to carry out, if we are financially unable to support our private law practice; and, when an attorney is asked to give up three months of his practice without any compensation, without any reimbursement for any expense incurred by him, I think that is asking too much of any attorney. It is on that basis that the American Bar Association for twenty-five years has advocated the enactment of legislation in that area.

As I say, I believe that in the near future some type of legislation will be enacted. I believe it is in the interest of the legal profession that our voice be heard; that our Congressmen know that the legal profession is interested in legislation in this area. It is not a selfish motive, it is an obligation that the public owes to the legal profession so that the legal profession may keep itself strong, so that the legal profession may keep itself educated, so that the legal profession can adequately serve the public. Enough in that area.

There was one other item that I should like to bring to your attention—and I thank you for your patience—and that is this: the American Bar Association has also been behind a bill that is presently before the

United States Congress to provide the rights of persons to be represented by attorneys in matters before all federal agencies. The bill is presently pending in the Senate, known as Senate 1466, which would provide that any attorney admitted to the highest court in any state in the United States would automatically be entitled to represent any client before any federal agency without any examination by those federal agencies as to his qualifications.

At the present time a number of the federal agencies have investigative forces and have procedures and rules whereby an attorney who undertakes to represent a client before that agency must first be admitted to the bar of that agency, and the best example I can give you is the Internal Revenue Service. Those of you who have attempted to represent a client before the Internal Revenue Service know that the Treasury Department has a procedure whereby each attorney must apply for admission to the bar of that particular agency. He must get a Treasury card. In other words, it costs you $25.00; you must fill out an application; you must have someone in writing to say that you are a person of good moral character.

The American Bar Association has been opposed to this procedure for this reason: it has been the position of the American Bar Association that when an attorney is admitted to the practice before the highest court in his state, then he is qualified to represent a client before any one of those courts, and if he is qualified to represent a client before the highest court in his state, and even before the Supreme Court of the United States, after five years of practice, then he surely must be qualified to represent that same client before any federal government agency. And that is rather presumptuous on the part of any federal government agency to enact special rules and regulations to govern the admission to practice before those agencies of attorneys who are permitted to practice before the highest court in their state. I had the privilege of testifying in favor of this bill a few weeks ago. I don't know whether it will be enacted or not, but I think if we look at it we will see the wisdom of the enactment of such legislation.

I pass this along to you just to show you that the American Bar Association is trying to do something actively for the legal profession at the present time. It is trying to represent the legal profession in areas where the legal profession has a responsibility and in areas where the legal profession has the community at interest.

In closing, let me say again that it has been an extreme privilege for me to come here and appear before you today. I will be happy to answer any questions about the legislation which I have discussed if there are any.

Mr. E. C. Ward of Natchez reported on the activities of the Junior Bar Conference of the American Bar Association. Mr. B. B. McClendon,

Jr., of Jackson presented the Report of The Young Lawyers' Seminar Committee.[1] President Riley then reported on the accomplishments of the past year.

The next order of business was the election of officers. The following officers were duly elected:

George P. Hewes, III, Jackson, President
Sherman Muths, Gulfport, Vice-President
Executive Committee:
Northern District:
Edward P. Connell, Clarksdale
Orma Smith, Corinth
Central District:
B. B. McClendon, Jr., Jackson
J. Hedgepeth, Jackson
Southern District:
William S. Mullins, III, Laurel
J. Kearney Travis, Jr., Hattiesburg
James McKenzie, Hattiesburg

Mr. E. C. Ward of Natchez presented a certificate of merit and recognition to President Riley.

The Twenty-Seventh Meeting of the Junior Bar Section was then adjourned *sine die*.

The following is a list of past presidents of the Junior Bar Section of the Mississippi State Bar.

1936—Hugh N. Clayton
1937—Jesse Graham (deceased)
1938—John C. Satterfield
1939—Charles A. Sisson
1940—George M. Ethridge, Jr.
1941—J. Morgan Stevens
1942—Frank Everett, Jr.
1943—Richard E. Stratton, III
1944—Paul Parr (deceased)
1945—John W. Wade
1946—William N. Ethridge, Jr.
1947—James S. Eaton
1948—George Woodliff
1949—W. Arlington Jones
1950—E. Cage Brewer, Jr.
1951—Kenneth Franks
1952—Robert G. Nichols, Jr.
1953—Lampkin H. Butts
1954—Josh Morse, III
1955—Charles B. Henley
1956—George Morse
1957—Jack Travis
1958—K. Hayes Callicutt
1959—James F. Noble, Jr.
1960—Eaton A. Lang, Jr.
1961—E. C. Ward
1962—Frank A. Riley

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[1]All committee reports are in Appendix A.

APPENDIX A

COMMITTEE REPORTS—SENIOR BAR

REPORT OF THE BY-LAWS REVISION COMMITTEE

The following amendments to the By-laws of the Mississippi State Bar were proposed by the Revision Committee and passed in regular session by the Bar on June 22, 1963:

I. That Section I of the By-laws be amended to read as follows:

1. A First Vice-President and a Second Vice-President shall be elected at each annual meeting of the Mississippi State Bar.

The term of office of the President, who has assumed office by succession as hereinafter set out, shall end at the next succeeding annual meeting when his successor qualified and takes office.

The president shall preside at all meetings of the Mississippi State Bar, and shall have such duties as the Bar may by these By-laws prescribe.

In his absence, or in the case of his death or inability to perform his duties, they shall devolve upon the First Vice-President; and in the absence or inability to act of the First Vice-President, the duties of the President shall be performed by the Second Vice-President. In the event of a vacancy in any of such offices, the vacancy shall be filled as provided by Section 8704 of the Mississippi Code of 1942.

II. That Section 2 of the By-Laws be amended to change the title of "Secretary & Treasurer" to "Executive Director, Secretary & Treasurer."

III. That Section IV of the By-laws be amended to read as follows:

COMMITTEES

1. The President shall appoint a committee known as the Study Committee, whose duty it shall be to suggest to the Bar subjects for investigation, and study, looking towards the improvement of the courts, the laws, and the administration of justice, and the said committee shall receive and consider suggestions relative to this from members of the State Bar. It shall be the duty of such Committee to report their recommendations to any Meeting of the State Bar.

2. The State Bar at any Meeting, upon the consideration of the report of the Study Committee, shall direct the studies and/or investigations desired by it to be made. Whereupon, it shall be the duty of the President to appoint a special committee for each subject chosen to make the study and investigation, and to report to the Bar at its next Meeting the results of their work and their recommendations.

In the event such committee, or committees, make recommendations necessitating legislation, the President shall appoint a committee, or the same committee, to make a draft of the proposed law, which draft with the reasons and justifications for its passage by the legislature shall be transmitted to it by the President, his successor or successors in his report to the Legislature.

3. All committees shall be specially appointed for particular tasks, but this provision shall not prevent standing committees composed of members of the Board of Commissioners and proper in the work of such Board.

4. The President shall appoint all committees, shall keep informed as to work done, progress made, etc., and upon request, shall give information relative thereto to the Board of Commissioners or members of the Bar.

5. The Study Committee shall be composed of not less than ten (10) members, whose functions shall be as outlined in Paragraph 1 above.

6. The President shall appoint a Public Relations Committee, composed of not less than eight (8) members, whose function shall be to promote better understanding between the legal profession and the public.

7. The President shall appoint a Law Journal Committee composed of not less than five (5) members, whose function shall be to counsel with and assist the University of Mississippi Law School concerning the policies and the finances of the *Mississippi Law Journal.*

8. The President shall appoint a committee on Judicial Administration, composed of not less than twelve (12) members, whose functions shall be to improve the administration of justice.

9. The President shall appoint a Committee on Budget and Finance, composed of not less than six (6) members, whose functions shall be to prepare and present an annual budget to the Board of Bar Commissioners for the Mississippi State Bar.

10. There shall be a permanent standing Committee on Long-Range Planning, whose general and basic function shall be to engage in such planning with reference to programs, services, finances, staff and such other general matters as are inherent in long-range planning.

The terms of the appointed members shall be four (4) years on a staggered basis.

The membership of the said committee shall be composed of the President, the President-Elect, the last two immediate past Presidents, the Chairman of the Budget Committee, and four members to be appointed by the President. The four members appointed initially pursuant to Resolution of the Annual Meeting in 1962, were appointed for terms of one, two, three, and four years each. Thereafter, each President shall appoint one member for a term of four years, with such appointment being made at the end of his term of office.

11. There shall be a Continuing Legal Education Committee, composed of not less than five (5) members. The purpose of this committee shall be to see to the holding of seminars, the publication of literature and such other functions as shall inure to the benefit of the members of the Mississippi State Bar. It shall work with the institutions of higher learning in the State for the carrying out of these functions. It shall study and recommend to the Bar Commissioners means for the employment of adequate personnel for the carrying out of these functions.

12. There shall be a committee on the publication of *The Mississippi Lawyer.* This Committee shall constitute the staff of the publication, and shall consist of an Editor and Co-editor to be selected by the Board of Bar Commissioners. It shall also include a Business Manager, who shall be the Secretary of the Mississippi State Bar.

The Business Manager shall be charged with the duty of assisting the Editor and Co-editor of seeing to the audit of the books, and to the Composition and mailing of the publication.

The publication shall be printed and distributed once each month, and shall be mailed to each member of the Mississippi State Bar, and to students in the law schools of the State and to advertisers.

Insofar as possible, the costs of printing and postage shall be borne by the advertising sold in the publication, however, the Board of Commissioners may make appropriations, with the recommendation of the Budget Committee, for the additional support of the publication.

The books of the publication shall be kept as a part of the bookkeeping system of the Mississippi State Bar, and shall be audited therewith.

The business manager shall be the publisher of the publication, and shall enter into such contracts as may be necessary, with the approval of the Bar Commissioners.

13. Wherever possible and to maintain continuity, at least two-thirds (⅔) of the membership of each standing committee shall be retained for the succeeding year.

14. The President at his discretion may appoint such other committees as he shall deem necessary or advisable for the carrying on of the activities of the State Bar.

SECTIONS

(A) There shall be a section of the Mississippi State Bar to be known as the Junior Bar Section of the Mississippi State Bar.

1. The purposes of the Junior Bar Section of the Mississippi State Bar are those set out in the Resolution of the Mississippi State Bar of September 4, 1936, creating the Junior Bar Section, which Resolution appears in Article III of the By-laws of the Junior Bar Section of the Mississippi State Bar.
2. The Mississippi State Bar ratifies, confirms and approves the By-laws of the Junior Bar Section of the Mississippi State Bar as they now exist. These said By-laws may be amended or repealed by a vote of two-thirds (⅔) of the members of the Junior Bar Section present and voting at a regular meeting of the membership thereof so long as such action does not conflict with the By-laws of the Mississippi State Bar Association.

(B) There shall be a section of the Mississippi State Bar to be known as the Conference of Local Bar Associations.

The purpose of the Conference shall be:

1. Liaison between the local Bar Associations and the State Bar.
2. Organizing new local Bar Associations.
3. Assisting local Bar Associations in the improvement of the economic status of the individual lawyer at the local level, and in the dissemination of ideas relative to law office management and Bar fee schedules.
4. Encourage local Bar Associations to adopt fee schedules and to maintain same.
5. Assist local Bar Associations in administrative programs and to suggest from time to time programs and topics which they might profitably consider.
6. Arrange and hold group meetings in the form of district Bar Conferences in all areas of the State.
7. To gather ideas from the local associations and to exchange those ideas with other local associations and to report the same to the State Bar Commissioners.
8. To prepare and make available programs and program outlines suitable for local Bar Association meetings.
9. To accept programs from the State Bar and to carry out those programs at the local level.
10. To encourage local Bar Associations to study and promote legal ethics and practices and to cooperate with local associations in preventing the unauthorized practice of law.

11. Any other matter that the Conference might desire to undertake should be presented to the State Bar Commissioners for approval.

At the Annual Meeting of the Mississippi State Bar each year the delegates from each of the Supreme Court Districts of the State shall elect a Conference Vice-President, who shall become the executive officer of that district. Each year the President shall be elected from the three vice-presidents so elected. These officers shall hold office until their successors shall be elected and shall qualify.

The officers, Committee Chairman, the President or his duly appointed representative from each local association, and the President of the Mississippi State Bar shall compose the Board of Directors, which shall meet in August and April of each year. The Annual Meetings of the Conference shall be held in conjunction with the Annual Meeting of the Mississippi State Bar. The Conference Committee shall be composed of the President, the Vice-President from each district, and the respective Committee Chairmen from each local association.

Membership in the conference shall be held by associations and not by individual lawyers. All associations having less than fifty (50) members shall pay dues of $10.00 per year, and those having fifty (50) or more members shall pay dues of $25.00 per year.

The President shall report the activities and financial transactions of the conference each year to the final meeting of the Board of Bar Commissioners to be held during that year. The President of the Mississippi State Bar shall inform the President of the Conference of such meeting, and shall request such report at that time.

The President of the Conference shall be privileged to attend all meetings of the State Bar Commissioners without vote.

The Conference shall operate through the following Committees: Membership, Program, Study, Public Relations, Professional Fees, Professional Ethics, and Professional Economics. The Mississippi State Bar ratifies, confirms and approves the Constitution and By-Laws of the Conference of Local Bar Associations as they presently exist. Such may be amended only with the approval of a Meeting of the Mississippi State Bar. The Constitution and By-Laws shall not conflict with the By-Laws of the Mississippi State Bar.

(C) Upon recommendation of the President and of the Board of Commissioners, the Mississippi State Bar may at any Meeting in any year create additional sections of the Mississippi State Bar, specifying at that time the organization, purposes, duties and responsibilities of each. All sections, whether existing or hereafter created, shall at all times be responsible to the Mississippi State Bar, and their constitutions and by-laws shall not conflict with the by-laws of the Mississippi State Bar.

IV. That Section V of the By-laws be amended to read as follows:

MEETINGS OF THE STATE BAR

The annual meeting of the State Bar for the year 1965, and for subsequent years shall be held at a time, place, and hotel selected by the Board of Commissioners. The time shall be about the middle of June in each year, but the exact date thereof shall be determined by the said Board. The selection shall be made as soon as practicable after the conclusion of the annual meeting, and approximately two years prior to the meeting for which the selection is to be made. The 1964 meeting is already provided for by previously authorized action.

Special meetings, if and when requested, shall be held at the time and place designated in the call therefor, such meetings to be held upon call of the President, the Board of Commissioners concurring, or the President shall call a special meeting at the direction of a majority of the Board of Commissioners, or the President shall call a special meeting upon the written petition of one hundred or more members of the Bar.

V. That Section XI be amended to read as follows:

ORDER OF BUSINESS

The President shall each year select some person or persons to deliver addresses or papers before the State Bar at its annual meeting.

At each annual or adjourned meeting the order of business shall be as follows:

1. Address or report of the President.
2. Report of the Board of Commissioners, which may be included in the President's report.
3. Reports of committees as called by the President, which shall be in writing unless otherwise designated.
4. Miscellaneous business.
5. Election of State Bar Delegate in alternate years to the American Bar Association.
6. Election of officers, which shall be the last order of business.

The order of business may be changed by a vote of a majority of members present and voting.

No person in discussions shall occupy more than ten minutes at a time, and shall not be heard more than twice on the same subject.

Except as provided for herein, parliamentary rules as contained in *Robert's Rules of Order* shall govern all meetings of the State Bar.

All resolutions to be presented to any meeting of the Mississippi State Bar must be first submitted to a Resolutions Committee, which Committee shall have sole authority to present resolutions to the meeting. This provision may be waived at any meeting by the vote of two-thirds (⅔) of the members present and voting.

AMENDMENTS

Amendments to these By-laws may be proposed in writing by mailing to the entire membership of the Mississippi State Bar at least two weeks prior to the annual meeting thereof. At such annual meeting the proposed amendment or amendments, or any amendment thereto or substitution therefor, may be adopted by a vote of at least two-thirds (⅔) of those members present and voting on such amendments or amendment.

VI. We suggest and recommend to the legislature the changing of Section 8711 of the Code to be amended to cover the situation where members of the Bar absent themselves from the State of Mississippi. We also suggest that provision should be made for bringing charges in an in rem proceeding against lawyer's certificate to practice law in certain situations, suggesting it should be possible to notify such members by mailing notice to their last known address.

COMMITTEE ON CONSTITUTIONAL LAW

The Committee on Constitutional Law devoted its attention primarily to the following subjects:

1. The requisites for a proper class action to enforce the civil rights of members of the alleged class under the fourteenth amendment to the Constitution of the United States.

2. Does the United States or any agency thereof have the power to enforce the civil rights of any individual or group under the fourteenth amendment to the Constitution of the United States or to appear as amicus curiae in any such action?

3. Can the immunities granted by the Constitution of the United States be claimed and protected by a membership corporation for and on behalf of its members?

4. Does Chapter 253 of the Mississippi Laws of 1956, being Sections 2049-01 through 2049-08 of the Mississippi Code of 1942, Recompiled, violate any of the provisions of the Constitutions of the United States or State of Mississippi?

5. Can the Constitution of the United States be amended by judicial interpretation as well as by the method provided therein?

Although the Committee reached no definite conclusions on these subjects, it should be noted that one case from Mississippi dealt with Item I above and was affirmed by the United States Court of Appeals for the Fifth Circuit. *Clark v. Thompson*, D.C. Miss., 206 F. Supp. 539, affirmed 313 F.2d 637.

REPORT OF COMMITTEE ON CORPORATIONS, BANKS, BANKING AND BUSINESS LAW

A subcommittee, of which Hon. Phineas Stevens is Chairman, has undertaken a study of the effect of the Mississippi Securities Act and of the constitutional right of shareholders to elect directors by cumulative voting upon the "business climate" of Mississippi. It is recommended that Mr. Stevens be reappointed to this Committee and that the study be completed.

One formal meeting of this Committee was held on December 6, 1962, for the purpose of planning three seminars on the Mississippi Business Corporation Act, effective January 1, 1963, those seminars having been made the primary project of this Committee. The Committee on Professional Corporations and Associations desired to participate in the seminars and did so, making a valuable contribution to the program.

Seminars were held at University of Mississippi, January 18; Jackson, January 25; and University of Southern Mississippi, February 1, 1963. Attendance figures were, respectively, 30; 92; and 81.

Those participating for this Committee were Hon. J. V. Carr, Deputy Secretary of State; Hon. Martin R. McLendon, Assistant Attorney General; and the Chairman. Those participating for the other Committee were Hon. Emmett Ward, Hon. E. C. Ward and the Chairman, Hon. Charles C. Jacobs, Jr.

The Legislature has amended the Business Corporation Act to require publication of certain documents relating to Mississippi corporations, and to clarify a provision relating to fees to be paid the Secretary of State, the amendments having been neither sponsored nor opposed by the State Bar. It appears that the new act has been favorably received by the Bar and by business interests.

CONTINUING LEGAL EDUCATION COMMITTEE

It is the recommendation of this committee that a long-range continuing legal education program be instituted immediately for the Mississippi State Bar, that

there be employed therefor by the Mississippi State Bar a director of continuing legal education on a part-time basis (possibly in conjunction with a part-time professor at the University of Mississippi School of Law) and that this long-range program be financed in accordance with the recommendations of this Bar's Long-range Planning Committee made at latter's meeting on Friday, November 26, 1962.

The above recommendation comes after long and careful study by this committee, and we are convinced that great benefit will be realized by our Bar within a very short time from the institution of this long-range program. This has been proven by the experience of other state bars, such as the bar of our sister state, Alabama, which have adopted either full or part-time long-range continuing legal education programs. Within a short time the benefits realized from such a program will, in terms of value received by the Bar members, far exceed the cost of the program to the Bar and to the members.

This committee has also carried on the Bar's Interim Continuing Legal Education Program, which has been developed in the past years, and expanded this interim program this past year to furnish more continuing legal education conferences not only at the University of Mississippi, where many of the past programs have been held, but also some programs at Jackson and at Mississippi State University at Starkville, and at University of Southern Mississippi at Hattiesburg, and on the Mississippi Gulf Coast. The following is a resume of programs or conferences held under the sponsorship of one or more of the working committees of the Mississippi State Bar this past year, with which our Continuing Legal Education Committee has some connection:

Taxation Committee—One conference on estate planning and estate and gift taxes held on October 23-24, 1962, at Oxford, with 58 persons attending (attendance figures herein include speakers), and another conference on the same subject on February 14-15, 1963, inclusive, at the Edgewater Gulf Hotel, between Gulfport and Biloxi, with 41 persons attending.

Traffic Court Committee—One conference at Jackson on April 18, 1963, with 16 persons attending.

Committee on Corporations, Banks, Banking and Business Law, with Participation by Committee on Professional Corporations and Associations—Three conferences on the new Mississippi corporation statutes, one at Oxford on January 18, 1963, with 39 persons attending; one at Jackson on January 25, 1963, with 99 persons attending and one at the University of Southern Mississippi on February 1, 1963.

Committee on Insurance and Negligence Law—One conference at Jackson on February 5, 1963, with 98 persons attending.

Committee on Labor Relations—Three conferences on various topics, one at Oxford on November 16, 1962, with 96 persons attending; one at Mississippi State University on May 3, 1963 (a Wage and Hour Law seminar), and one at the University of Southern Mississippi on February 8, 1963.

Committee on Oil and Gas Law—One conference to be held at Oxford on May 17-18, 1963 (on administrative practice of Oil and Gas Law for state and federal agencies), at which time Director of the Department of Conferences of the University of Mississippi, W. M. Jones, Jr., estimates that 60 persons will attend.

Criminal Law Committee—One conference at Jackson on April 4, 1963 (entitled "Criminal Law Seminar") with 50 persons attending.

Juvenile Court Committee—One conference held at the University of Southern Mississippi in 1962.

In December 1962, the Commissioners authorized the organization of a Family Law Committee, pursuant to the suggestion of the Continuing Legal Education Committee, so that a conference or seminar on the laws of divorce, annulment, separation and the Juvenile Court Act could be arranged; however, the Continuing Legal

Education Committee was unable to arrange such a conference or seminar before the end of this fiscal year for various reasons.

REPORT OF COMMITTEE FOR COORDINATION OF LOCAL BAR ACTIVITIES CONFERENCES OF LOCAL BAR ASSOCIATIONS

The Committee for Coordination of Local Bar Activities and the Conference of Local Bar Associations commenced its combined program for 1962-63 by the formal adoption of the following objectives:

1. Immediate Objectives
   A. An organized, active bar association in each county
   B. Regularly scheduled meetings on at least a monthly basis
   C. Planned programs of interest and benefit to the practicing attorney
2. Long Range Objective
   The establishment of a strong "grass roots" organization capable of bringing to the local level the aims and objectives of the Conference of Local Bar Associations, the State Bar, and the American Bar Association.

The Committee felt that these objectives could best be accomplished from the local level by initiative and supervision from the duly elected Bar Commissioners, each Commissioner working in his own District. The Commissioners, all of whom are members of this Committee, accepted this responsibility, and much of the success of the program is due to their individual activities.

Reports from throughout the state indicate that numerous associations have either organized or reactivated existing organizations. Many of the counties have combined with other counties in a circuit court district to form a district-wide association with regularly scheduled meetings. Others have continued the county organizations with regularly scheduled meetings.

The Committee is also attempting to compile a current roster of the officers in each association. When completed, this roster will be filed with the Secretary of the State Bar.

In order to further emphasize and promote the importance of local associations this Committee is sponsoring a panel discussion at the 1963 Convention. The discussion will center around the benefits derived from strong, active associations on the local level. Through President Carlton's efforts, the panel will be composed of nationally known attorneys.

REPORT OF THE CRIMINAL LAW COMMITTEE

The present Committee met only once during the year for the purpose of considering recent decisions of the U. S. Supreme Court, and also new trends in this phase of our profession.

A Seminar was held on April 4, 1963 at Jackson, Mississippi, and considering that this was only the second of such Seminars ever held in this state on the subject of criminal law, we were highly elated with the attendance. We were fortunate indeed in having such prominent speakers as Percy Foreman, Dr. W. L. Jaquith, Thomas K. Ethridge, and Boyce Holloman on the program.

Much of the work of the present Committee has been to create a favorable atmosphere for sorely needed improvements of the criminal law which are necessary if the ideal of ordered liberty is to be realized.

Despite the fact that it is the responsibility of every lawyer and the people

of our Republic to protect the rights of the individual, including those who have "sinned," so to speak, it is a matter of common knowledge that the great majority of our profession are not only reluctant to defend those accused of crime but actually regard criminal trials only as a necessary evil.

The fact is that the criminal law has long been treated as the "black sheep" of the law family, and in some measure justifiably so. There is a tendency among members of the Bar and the public at large to disapprove of attorneys who undertake the defense of those accused of crime. Certainly all of those factors contribute to the low position which the criminal law holds in law school curricula. In the last analysis human rights suffer. Law schools do not graduate young men who wish to specialize in the field of criminal law, nor properly equip them to become judges who will preside over criminal courts. In the absence of training on the scientific aspects of human behavior, prejudice and unenlightenment will override reason.

It is only of late that the American Bar Association and the several state Bar Associations have undertaken the promotion and improvement of the criminal law and practice; and, in this respect the interest of the United States Supreme Court is worthy of mention.

Those of us engaged in the practice are now able to spot a ray of hope, and we earnestly solicit your suggestions, recommendations, and active interest. The old order has given away to the new. There is much to be done to balance the scales of criminal justice.

No doubt we are at the threshold of a reexamination of the reasoning upon which our system of criminal justice is predicated. Yet there are many among us who oppose any change to the detriment of science and humanity. But even those peddlers of precedent will eventually yield to science which inevitably wins.

COMMITTEE ON ETHICS

The first meeting of our Committee was held in Jackson, Mississippi, on November 20, 1962. At this meeting we discussed thoroughly the various unethical practices which had been reported and decided to render written opinions concerning the most important and most prevalent unethical practices. Since that time the Committee has written twelve (12) opinions, all of which have been published in the *Mississippi Lawyer* and copies of all which have been printed in the office of the Secretary of the State Bar and distributed to all members of the Mississippi State Bar, with the suggestion that the same be bound with the manual on Fee Computation and Law Office Management and carefully preserved for future reference.

Another meeting of this Committee was held in Jackson, Mississippi, on April 4, 1963. At this meeting we discussed at length the question of whether the Committee should render an opinion in regard to the publication of "announcements" concerning the opening of law offices, the removal of offices, the formation of partnerships, the addition of associate members, etc. The Standing Committee on Professional Ethics and Grievances of the American Bar Association has rendered several opinions to the effect that such practices constitute advertising and violate Canon 27.

At said Committee meeting of April 4, 1963, the Committee also discussed at length, the various letters which had been received in regard to Opinion No. 12 relating to the practice of building and loan associations and other lending institutions in requiring the borrower to use their regular attorney, rather than permitting the borrower to use an attorney of his choice. After much discussion, it appeared that four of the Committee members still felt that the opinion was correct, but two of them thought that it was at least incorrect in part and that some modification should be made therein. The Chairman requested Mr. Nathaniel W. Bullard

of Vicksburg and Mr. Millard M. Bush of Jackson to do some additional research on this question and to submit a report to the Committee at their very earliest convenience either recommending that said opinion be permitted to stand as is or that the same be modified or withdrawn.

At our meeting of April 4, 1963, with the approval of the President of the Mississippi State Bar, we decided to appoint a subcommittee of the Ethics Committee to make a study of the question of whether or not our State Bar Association should adopt Canons of Judicial Ethics, similar to those which have been adopted by the American Bar Association. A meeting of this sub-committee was held in Jackson, Mississippi, on April 25, 1963, and it was decided to recommend to the Board of Bar Commissioners that the State Bar Association adopt Rules of Judicial Ethics of the Mississippi State Bar, similar in form and content to the Canons of Judicial Ethics of the American Bar Association, and if such meets with the approval of the Board of Bar Commissioners, that the same be submitted to the Supreme Court of Mississippi for its adoption and approval.

We recommend that consideration be given to appointing a smaller committee of perhaps seven members; that only attorneys of the highest standing and qualifications be named to the committee; and that serious consideration be given to either appointing the membership of this committee on a permanent basis, or for a term of years, in order that the members of the committee could as a result of years of study become better qualified to perform the work of this important committee.

REPORT OF THE COMMITTEE ON THE INTERPROFESSIONAL CODE FOR PHYSICIANS AND LAWYERS

The principal objective of the medical and legal professions is to render service to humanity with full respect for the dignity of man. Physicians are concerned with conservation of health and life and attorneys, with the securing of justice in an orderly society of law.

The Mississippi State Medical Association and the Mississippi State Bar are jointly agreed that the provisions of this code are not laws but suggested guides for members of the two professions, subject to medical and legal ethics. Adoption of this code is an acknowledgment by physicians and attorneys of the interrelationship between medicine and the law, of their obligations to those whom they serve, and of their obligations to each other.

Obligations of Physicians

To serve as a Witness. The physician has a professional obligation to serve as a witness in matters of controversy arising out of his patient's injury or illness. It is recognized that the merits of such controversies are often resolved only by medical evidence.

To Furnish Medical Information. The physician, upon proper authorization and reasonable notice of need for medical information, should furnish adequate medical reports to the attorney with respect to his patient's condition as relates to the injury or illness prominent in the litigation. It is understood, however, no privilege exists as provided and defined under the Mississippi Workmen's Compensation Act. The physician should assist the attorney's access to relevant medical information not under the former's control where circumstances of need, propriety, and legality prevail.

To Furnish Medical Testimony. The purpose of medical testimony is to enlighten rather than to impress or prejudice the court. A physician should remember that

he is not an advocate trying a lawsuit, nor should the physician feel that he is taking sides on any particular medical issue or medical fact. In presenting his testimony with objectivity, frankness, courtesy, and clarity, the physician should testify only as to medical facts of his own personal professional knowledge, in response to hypothetical questions. The physician and attorney should confer prior to the hearing at a mutually convenient time and place, fully and frankly discussing the medical aspects and problems involved, unless they are mutually agreed that conference is unnecessary.

General Obligations and Prerogatives. Since a physician may choose whom he will serve, he is not absolutely obligated, in the sense of a physician-patient relationship, to serve as examining physician or expert witness. Since, however, the honored ideals of the medical profession imply that the responsibilities of the physician extend not only to the individual but also to the health and well-being of society, the obligations of citizenship are such as to require the physician to consider carefully such proffered opportunities of service. Physicians are entitled to reasonable remuneration for time spent in furnishing medical testimony, information, and reports.

Obligations of Attorneys

To the Medical Witness. The attorney should reciprocate the physician's promptness, objectivity, and respect during conferences and in the courtroom. Although the conduct of judicial proceedings cannot depend upon individual convenience, arrangements for a physician's appearance as a witness should take into consideration professional demands upon his time. Such arrangements should include advance notice as to the day and place and of the approximate time of his required appearance. Ordinarily, the attorney should not cause issue of a subpoena without prior notice to the physician. Since established rules of evidence afford ample opportunity to test the qualifications, competence, and credibility of a medical witness, it is improper and unnecessary for the attorney to abuse the physician testifying. No officer of the court should attempt to improperly influence a medical opinion.

Requests for Medical Information. The attorney should request medical information and reports in writing, giving the physician sufficient advance notice of the need for the information. Documentation or description of authority to receive the information should be included by the attorney and the condition in respect to which the information is sought should be specified.

Payment of the Physician's Fee. As with the attorney, the physician is entitled to receive fair and reasonable compensation for professional services rendered, to include preparation of medical information and reports, time spent in conferences and in furnishing medical testimony, and for appearances as an expert medical witness. All of these are recognized as necessary and proper items of expense in litigation involving medical questions. The amount of the physician's fee should never be contingent upon the outcome of a case or amount of damages awarded. While the attorney is not personally responsible for payment of the physician's charges for medical treatment to the patient, he should exercise every possible effort to secure such payment, seeking, if necessary, the client's permission to pay the physician from any recovery made in the client's behalf.

Joint Obligations

Interprofessional Courtesy. Both the medical and legal professions are essential to society and their aims are virtually parallel. Each profession is comprised of honorable and learned individuals who are motivated by honorable aims and objectives. Each should strive, through understanding and cooperation, to uphold the

dignity, integrity, and respect of the other in the interests of their respective, yet similar, ideals and those whom they serve.

Interests of Patients and Clients. The physician and the attorney each should respect the confidences and privileges reposed in the other under law and ethics, always seeking the best interests of those whom they serve. Physicians and attorneys agree that delay in legal and medical matters can be extremely detrimental.

Disputes and Professional Propriety. The practices of medicine and law are inexact sciences. No physician can guarantee a cure nor can an attorney guarantee a particular judicial result in a matter at contest. Each profession recognizes that there will occasionally arise from these growing interprofessional relations differences of opinion and even perhaps interprofessional disputes. Public disclosures of any interprofessional complaint or criticism by a member of one profession against the other is to be deplored. Rather, the complaint should be referred through appropriate organizational mechanisms established for this purpose and all such complaints should be promptly and adequately processed. Such mechanisms for resolving grievances, misunderstandings, and disputes should be utilized in the first instance and as a first resort. All such interorganizational procedures should be exhausted before employment of extraorganizational means.

REPORT OF COMMITTEE ON MILITARY LAW AND LEGAL ASSISTANCE FOR SERVICEMEN

A committee on Military Law and Legal Assistance for Servicemen was added to the Mississippi State Bar during the 1962-63 year.

Its membership was appointed from members of the Bar who were either actively engaged in military reserve activities or who have been recently active in such reserve forces.

The purpose of the committee is to provide a forum for keeping reserve officers of the Armed Services as well as members of the civilian Bar abreast of current developments in military law; to provide a means of maintaining closer liaison between military and civilian lawyers; to provide for and disseminate more complete understanding of the functions and scope of the military and civilian legal services to servicemen, to the end that the serviceman may be relieved of certain worries over civil legal matters (preventive law) and a more effective fighting force promoted, without encroachment upon the practice of law by civilians; and to afford an opportunity for professional and social association between civilian and military lawyers; the objective of the committee being to promote the existence of a close relationship between the civilian Bar and its military counterpart.

The Committee has, during its first year, established a close relationship with the military authorities and in the event of a military mobilization, the committee would be in a position to work with the military authorities in handling matters concerning military personnel situated within our geographical limits.

The committee members have recommended that the committee be continued as a regular standing committee of the association. Communications from other Bar Associations indicate that committees such as ours are being formed in many other states and that such committees will be maintained in the Bar Associations of the various states.

The committee reports its successful formation and highly gratifying reports from the military authorities.

REPORT OF THE MISSISSIPPI LAW JOURNAL COMMITTEE

This Committee takes this method of expressing its appreciation to the Editorial Board for its splendid work during the year. Due to their special efforts a number of excellent articles have been procured and published and the quality of the student notes and case comments has been superior. Your Committee urges more members of the Bar to submit articles for consideration by the Journal.

Last year, Committees of the Bar were requested to reduce the length of their reports to be published in order to save expenses. The cooperation of the several Committees in this connection has been most gratifying.

The Editorial Board has submitted its report requesting an appropriation of $6,000.00 and this Committee asks that this report be approved.

REPORT OF THE EDITORIAL BOARD OF THE MISSISSIPPI LAW JOURNAL

General

The publication of the October 1963 issue of the *Mississippi Law Journal* will complete the thirty-fourth volume. With the publication of the December 1963 issue, the *Journal* will commence the thirty-fifth year of uninterrupted publication.

The *Journal* has a circulation of approximately 2,500 copies per issue, and, at the present time, is published four times a year during the months of December, March, May and October. The October issue is devoted exclusively to the publication of the proceedings of the Mississippi State Bar Convention and the official roster of the Mississippi State Bar.

The subscription rate is $4.00 per year, and separate copies may be purchased for $1.50. The *Journal* is printed by Franklin Press, Inc. of Baton Rouge, Louisiana.

Buildings and Facilities

The offices of the *Journal* are located in the basement of Lamar Hall. During 1962 the offices were completely renovated. Individual offices are now provided for members of the Editorial Board.

Change of Address

Every issue of the *Journal* results in several copies being returned due to erroneous addresses. The *Journal* is mailed as second-class matter and consequently there is no provision for forwarding. If the issue is not claimed by the addressee, it is returned at *Journal* expense. It is respectfully urged that all members of the Bar promptly notify the *Journal* of any change of address. Our address is "Mississippi Law Journal, P. O. Box 146, University, Mississippi."

Publication Since the 1962 Convention

Since the 1962 convention the *Journal* has published four regular issues, consisting of approximately 550 pages. These issues contained nine leading articles, eight comments, fourteen casenotes, four book reviews and the proceedings of the 1962 Mississippi State Bar Convention.

Reprinting

In 1963, ten single issues of the *Journal* will be printed. These issues have been out of print for a number of years and should be of great value for those interested in obtaining a complete set of the *Mississippi Law Journal.*

Law Review Conference

As in the past, the *Journal* was represented at the Southern Law Review Conference, held April 19 and 20 at Columbia, South Carolina, with the University of South Carolina Law School as host. Representing the *Law Journal* were the Faculty Advisor, Editor-in-Chief, Business Manager, and a staff member.

For the first time in several years, the *Journal* was represented at the National Law Review Conference, held at Dallas, Texas, with the *Southwestern Law Journal* as host. The *Journal* was represented by the Assistant Editor.

Future Plans

The Editorial Board of the *Mississippi Law Journal* will publish a special issue in July of 1963 consisting of selected speeches delivered by Mr. Satterfield during his tenure as President of the American Bar Association. The cost of this issue will not exceed $1,800.00. One-half of that amount was appropriated in 1961 and the balance was appropriated last year.

The Journal and the Mississippi State Bar

The *Mississippi Law Journal* is a joint publication of the School of Law of the University of Mississippi and the Mississippi State Bar Association. The *Journal's* physical existence depends upon the annual subsidy given the *Journal* by the Bar. In order for the *Journal* to be classified as a successful professional publication, however, much more than pecuniary aid must be forthcoming. Support from the Bar in the form of articles contributed for publication, suggestions and recommendations of topics which should be treated in leading articles, and an understanding on the part of the Bar of the problems and responsibility faced by the staff in the publication of a scholarly periodical are all essential to the success of the *Journal.* Its success is not dependent on the individual effort of the Law School or the Bar, but rather upon the continued and cooperative endeavors of both.

The financial ability to publish is of little significance when there is an absence of suitable material to print. We extend our sincere appreciation to past contributors and respectfully urge all of the members of the Bar to write and submit for consideration articles of merit and interest.

NEEDS OF MISSISSIPPI SUPREME COURT, ESPECIALLY FOR FORTHCOMING BIENNIUM OF 1964-1966

The appropriation for the Supreme Court for the biennium of 1962-64 was $346,000. (Miss. Laws 1962, ch. 1, p. 7). It has drastically limited the efficient operation of the court, and the purchase of essential new equipment for its adequate operations. It does not take into account the many increases in operating expenses. In fact, the appropriation for the 1962-64 biennium represents an actual reduction in its appropriation from that for the 1960-62 biennium. For the latter, the appropriation was $341,360. (Miss. Laws 1960, ch. 1, p. 7).

In 1960 and 1961 two judges retired and were entitled to supplementary retirement payments of $5,200 from the court's appropriation for the biennium. For 1960-62, this was taken care of by a deficiency appropriation at the 1962 session. (Miss. Laws 1962, ch. 126). When continuing supplementary retirement benefits are added to the court's operating expenses for 1962-64, the result is that the court received a decrease in its appropriation for the present biennium of over $1,000, from the appropriation for 1960-62 biennium. Yet this decrease was in the face of the fact that the court's mere operating expenses increased substantially for the present biennium, including

increased postage costs, purchases of equipment such as bookcases, dictaphones, typewriters, increased social security taxes, and other miscellaneous expenses.

As a result of intense, hard work by all nine of the justices, the docket of the court is about as current as that of any appellate court can be. On March 1, 1963, after the dockets for that month, and April and May 1963 had been set, there were only fourteen civil cases and seven criminal cases not set for hearing. Of course during these months additional cases have come in from the various trial courts over the state. From the time of the filing of a record to submission by brief and argument, there is a time period of approximately five months, allowing for setting the case, preparation of briefs, and other preliminary details. This period of five months between filing of record and submission is equivalent of or superior to those in the top ten per cent of the supreme courts of the various states. This contrasts sharply with that in many state supreme courts, in which the period for submission and disposition runs two to five years.

The average number of cases disposed of on the merits over the last ten years in 333 cases. The last full year for which figures are available, 1961-62, the court disposed of 369 cases on the merits. Three hundred and thirty opinions were written. In addition, the court handled 108 suggestions of error and 117 motions. Assignments of suggestions of error and motions are separate and apart from the assignment of cases on the merits. During the year ending July 1962, the individual judges handled, in addition to applications for remedial writs and other irregular proceedings, 963 separate individual assignments or an average of 107. Each case on the merits constitutes two assignments, since one judge has the primary responsibility for the case and another judge studies the case on what is called "a check," secondary responsibility. The number of assignments includes the suggestions of error and motions.

The average annual case load of 333 compares to the following figures for some representative supreme courts of other states: 13 states decide less than 100 cases; between 100 and 200 cases were decided by the supreme courts of 8 states; between 200 and 300 cases were decided by the courts of 8 states; in only 14 states did the case load exceed 300.

In short, the Mississippi Supreme Court is operated as efficiently and expeditiously as the business of any other state supreme court in the nation. However, it does not have sufficient staff and facilities for the efficient administration of justice. In order to do a more efficient job, it needs additional legislation and funds.

The following represents five major needs of the Supreme Court which should be submitted to the 1964 regular session of the Mississippi Legislature. If these needs are met, they would enable the court to operate with more adequate facilities, in a more efficient manner, and to the benefit of litigants, the public, and the bar. Yet the cost would be small, in comparison with the cost of operation of the other two departments of the state government. Additional costs should aggregate no more than $150,000 for the next biennium, or $75,000 per year.

I.

A dramatic illustration of the lack of facilities is that of the storage of records of the court. The records of many of the old cases, going back to 1840, are of considerable historic as well as legal value. Yet they are stored in various and sundry deteriorating areas, which are damp and subject to destruction by insects and other factors.

All of these records should be assembled in one central filing and storage area, should be cleaned up and reorganized, and made available for current use by the court, the bar, and the public in general who are interested in many of these historic documents. The clerk of court is doing the best job possible with the facilities and funds available.

For these reasons, there is an immediate and drastic need for a central storage area for all of the records of the Supreme Court. The current ones and those for several years back might be stored in the filing room of the clerk's office. All others should be in a central storage area, clean and well organized, with adequate control of humidity and temperature in the room for their permanent preservation. This would require approximately 3,600 square feet of fireproof storage space. It would necessitate the leasing of an adequate area in a fireproof building reasonably accessible to the Capitol Building; at an estimated biennial cost of $5,000. The cost of moving, assembling, cleaning, and stacking these records would approximate $2,500. It is estimated that necessary shelving would cost about $2,500. The aggregate of these items for the biennium would be $10,000, most of it on a nonrecurring basis. Perhaps this should be added to the appropriation for the clerk's office rather than that of the court.

II.

The court has five secretaries, one of them being a secretary-bookkeeper. These positions require considerable secretarial skill, and a high degree of discretion in handling highly confidential material. The four secretaries receive $550 a month, and the secretary-bookkeeper, $400 a month. For positions requiring this kind of skill and responsibility in private legal practice, these salaries are below those which are paid and which should be paid. The court's appropriation for the next biennium should be increased in the amount of $6,000, so as to grant raises of $50 per month to the four secretaries, and the secretary-bookkeeper of the Supreme Court.

The court's porter must be a colored man who has some education, and the ability to work hard. The present porter is paid $150 a month. He should be raised an additional $25 per month, requiring an increased sum for the next biennium of $600 for the porter.

The additional appropriation needed for salary raises for the secretaries and the porter of the Supreme Court aggregates $6,600.

III.

Practically all of the state supreme courts of the nation, and all of the federal courts, have law clerks for the judges, to assist them in routine, detailed briefing assignments on legal points in the library and elsewhere, and in other related types of work. The Tennessee legislature in March 1963 provided law clerks for all of the judges of that supreme court. The same is true of most of the state supreme courts, including those in the South. The general practice is to appoint law clerks from among the top graduates of the accredited law school in the state, for a period of one year. Two law clerks for this court would probably be adequate at the present time. At a suggested monthly salary of $400, which is about average over the nation, the salary expense for two law clerks would aggregate $19,200 for the biennium. An estimated $2,000 additional would be needed for furniture and arrangement of small offices for them. This would total $21,200.

Experience in other state supreme courts has shown that law clerks for the judges are of great value to an appellate court. They assist in basic research assignments made by the judges, check citations, drafts, and perform numerous other assignments of this general nature. No efficiently operated law firm would assign senior partners to doing basic library research on a particular point. Yet the judges are required to do this without any assistance. Moreover, they would improve the extensiveness and detail of the research by the court used in its opinions, and in general would improve the quality of the opinions. An additional appropriation of $21,200 for the next biennium would suffice for this minimum authorization for law clerks. A statute authorizing employment of law clerks would also be necessary.

IV.

The work of the supreme court judges is painstaking and time-consuming in dealing with public issues and the rights of citizens. The membership of the court is as important to the welfare of the people of this state as any other public office. To keep and attract judges of outstanding ability and integrity, the state must be willing to pay an adequate compensation. For practical purposes, they must spend ten months out of the year in Jackson in order to attend to the court's duties. This requires additional living accommodations in Jackson, which generally are more expensive than those in their home towns. The 1962 legislature properly raised the annual salaries of chancery and circuit judges to $13,500 per annum. Because of a supreme court judge's need to spend much of his time at the Capitol in Jackson, with increased expenses, the result is that the trial judges receive (in terms of net income) a larger compensation than the nine supreme court judges.

On a national basis, salaries paid Mississippi's Supreme Court judges are among the eight lowest in the nation. (45 J. of Am. Jud. Soc., p. 235, March 1962). Attached hereto is a sheet reflecting the salaries of supreme court judges in twelve Southern states. It shows that Mississippi Supreme Court judges have considerably lower salaries than any other Southern state, except Alabama and Arkansas; and that Mississippi salaries range between $2,500 to $7,500 below other Southern states.

Cecil E. Burney, President of the American Bar Association in 1961, recently made this statement on this subject:

"We all know that good judges are the most important ingredient in any judicial system, and that without them first rate justice is not possible. We also know that among the greatest roadblocks to putting the best available talent on the bench are the low salaries paid in many jurisdictions. State legislative bodies and the public must be made aware of this problem, and if the job is properly done you can confidently look forward to the time when your states will join the many jurisdictions throughout the nation who have met the problem head on, increased the compensation of their judges to more realistic levels, and thereby taken a long stride toward better courts and better justice." (45 J. of Am. Jud. Soc., p. 231, March 1962).

Mississippi should certainly not be below the average in judicial salaries paid by other Southern states. For all of these reasons, the salaries of the judges of the Mississippi Supreme Court should be raised to accord with those of other Southern states. On this basis, as an average, the salaries of associate justices should be fixed at $20,000 per year, the presiding justice at $20,500 per year, and the chief justice, $21,000 per year. This would require the amendment of Mississippi Laws 1960, chapter 335. The additional appropriation would aggregate $90,000 for the next biennium.

V.

For many years appropriations for the supreme court have been held down to a bare minimum. There has been very little money to purchase additional needed equipment, and new and more efficient facilities. Most of the court's equipment, such as electric typewriters, is beginning to wear out and needs replacement. Additional bookcases and dictaphones will be needed shortly. The court has an old-fashioned telephone system, with a semi-switchboard going back about twenty-five years. It needs a new and efficient switchboard and modern telephone system, with new telephones containing circuit lights, etc. Numerous other operating expenses have increased. It is suggested that an additional biennium appropriation for these additional items of equipment and miscellaneous increased expenses should be authorized in the sum of $15,000 for the biennium. It would enable the court to operate in a more efficient and adequate manner, without constant concern about whether it has sufficient funds to buy a new typewriter or other necessary items.

VI.

The following summarizes the foregoing recommendations:

New, adequate storage facilities for all of the records of the supreme court (biennium rental & cost, estimated)	$10,000
Increase in salaries for five secretaries and porter	$ 6,600
Two law clerks, plus cost of furnishing and equipping two offices	$21,200
Salary increases for nine judges, up to average for other Southern states	$90,000
Increase in general appropriation for new telephone system, furniture, supplies, and equipment	$15,000
Total	$142,800

In short, an increase in the supreme court's biennial appropriation of $142,800 would enable the supreme court to operate more efficiently with more adequate facilities for its responsible functions. The total appropriation for the entire biennium would be (in round figures) $490,000. This relatively small biennial appropriation for the entire operations of the supreme court would tend to make the facilities available to the court, in the discharge of its functions, on a basis more equal with those of our sister Southern states. The court has been in continuous operation since 1817, for 146 years. These increased funds for its necessary operations would enable it more adequately to strive and continue to live up to the high standards of its predecessors, and to carry forward its great responsibilities for not only a fair and impartial, but also more efficient administration of justice in this state.

REPORT OF THE RESOLUTIONS COMMITTEE

WHEREAS, Mississippi Code of 1942 (Annotated) Section 9039 provides that the State Library shall be open for public from 8:30 a.m. to 4:30 p.m., Monday through Friday; and

WHEREAS, the lawyers of the State of Mississippi by the nature of their work, in many cases have difficulty utilizing the library in the hours when it is open and could greatly benefit by an extension of the hours in the evening and on Saturday;

NOW, THEREFORE, BE IT RESOLVED, by the Mississippi State Bar Association that it desires the Mississippi State Legislature to amend Mississippi Code, Section 9039 so as to provide that said State Library shall be kept open for the public from 8:30 a.m. to 9:30 p.m., Monday through Friday, and from 8:30 a.m. to 4:30 p.m. on Saturday.

BE IT FURTHER RESOLVED, that the Librarian, Mrs. Julia Starnes, and her staff, be, and they are hereby commended for the many courtesies and services they have extended to the members of the Mississippi State Bar Association in the use of the Library.

BE IT FURTHER RESOLVED, that the Legislative Committee of the Mississippi State Bar Association take all action necessary to have Mississippi Code, Section 9039 amended by the Mississippi State Legislature so as to incorporate the terms of the resolution.

WHEREAS the President of the United States of America requested the President of the Mississippi State Bar to attend a meeting at the White House on civil rights problems, and,

WHEREAS due to his duties as presiding officer of the annual convention the President of this Bar could not attend and sent Sherwood W. Wise, a past president, as a personal representative, whose report has been heard, and

WHEREAS the Mississippi State Bar should express its views on the purpose of the meeting at the White House, now therefore:

BE IT RESOLVED BY The Mississippi State Bar in annual convention assembled, that the Mississippi State Bar, by its representation at the White House meeting, expresses its interest and concern that the cause of constitutional government and the orderly and fair administration of justice may be promoted. By such representation it does not in any way approve of nor lend its support to the present unwarranted invasions of the reserved powers of the several states of the United States of America and of the people thereof, but on the contrary expresses its conviction that the present process of erosion of the Constitution of the United States constitutes a serious threat to the freedom of the individual citizens of this nation.

We further abhor the present wave of violence and lawlessness which is sweeping the country, and urge the President to use the persuasive powers of his office to bring an end to all such acts and deeds as threaten the peace and safety of this nation and of its people, and to discourage inflammatory words from any source which tend to encourage the same. It believes that no legislation should either be introduced or considered in an atmosphere of emotional hysteria.

We oppose any invasion of the personal and property rights of the people of this nation and express the conviction that legislation attempting to do so cannot result in better race relations. Better race relations can be achieved only by individuals of good will working toward that end in an atmosphere of peace and mutual confidence. We believe that the proposed Civil Rights legislation will only add to the present confusion and unrest, as will any legislation which is based upon the principle of force.

WHEREAS we understand that Supreme Court Justices W. G. Roberds and Lee D. Hall have been ill and, therefore, cannot attend our 1963 Convention of the Mississippi State Bar, and

WHEREAS their lives as lawyers, teachers of the law and as Judges remain an inspiration and ideal to all of us, now, therefore,

BE IT RESOLVED by the Mississippi State Bar in Convention assembled that we hereby unanimously express to Judge Roberds and Judge Hall our love and respect, our admiration for their fruitful lives, our appreciation for their efforts to make many of us productive and economically sufficient lawyers and our continued sincere best wishes and warmest regards.

WHEREAS, the 1963 annual convention of the Mississippi State Bar is drawing to its close; and

WHEREAS, everyone has enjoyed a happy renewal of friendships and fraternal relations and has benefited from a well-planned and conducted convention program; and

WHEREAS, it is fitting and proper that the convention express its appreciation to the persons whose efforts made it a success,

NOW, THEREFORE, BE IT RESOLVED by the Mississippi State Bar in annual convention assembled that we express our appreciation to the Hinds County Bar Association, our hosts, and to their Ladies' Activities Committee for their excellent hospitality;

THAT we express appreciation to our visiting speakers: Honorable Lewis F. Powell, Jr., of Richmond, Virginia; Honorable Oscar Fendler of Blytheville, Arkansas; Honorable John T. Keefe of Chicago, Illinois; Honorable James R. Stoner of Washington, D. C.; Dr. F. V. Garcia-Amador of Washington, D. C.; Mr. Albert Smullin of Colorado Springs, Colorado; Honorable George Rose Smith, Associate Justice of the Arkansas Supreme Court; Honorable Walter E. Craig of Phoenix, Arizona; and to Honorable Charles J. Bloch of Macon, Georgia, whose unavoidable absence was much regretted;

THAT we express our appreciation to our own members who have ably presented the several programs and panels of this Convention; and to Dr. George D. Purvis and Dr. Lucien R. Hodges for their presentation;

THAT we express our appreciation to George Sturm and the entire staff of the Hotel Heidelberg for their fine services and facilities; and to Mrs. Alice Nevels and her staff for devotion to this organization;

THAT we especially thank our outgoing President, C. Sidney Carlton, for his planning, leadership, and untiring efforts on behalf of this Association which are in the best tradition of sincere service.

REPORT OF STUDY COMMITTEE

The Study Committee of the Mississippi State Bar held two meetings during the year. A number of sub-committees studied various proposals made to the Committee by members. Some of the proposals were studied and rejected, others were approved or recommended for further study. Drafts of proposed bills which have been approved by the Committee are hereto attached and are hereby recommended for approval by the Mississippi State Bar and for submission to the Legislature for passage.

The bills approved by the Committee are as follows:

ITEM I. An act to prescribe a method of reviewing the determinations of administrative agencies where none is expressly provided by the act of its creation.

ITEM II. An act to provide a method of determining the validity of rules promulgated by administrative agencies.

ITEM III. An act providing discovery procedures in the Chancery, Circuit and County courts of this state; and to repeal Sections 1699 through 1709, inclusive; Sections 1711 and 1712, and Sections 1714 through 1723, inclusive, Mississippi Code of 1942.

ITEM IV. An act to amend Section 1712, Mississippi Code of 1942. (So as to provide for an answer to interrogatories within twenty (20) days after service of notice of the filing of such interrogatories by the adverse party.)

The chairman of the subcommittee appointed to make a study of changes which should be made in the statutes on Summons and Seizures, Replevin and Attachments, made a tentative report to the Study Committee at its meeting on May 9, 1963, and requested permission to present a revised bill for consideration by the full Committee at a special meeting of the Committee to be held prior to the presentation of the Committee's Report to the State Bar at its June 1963 meeting. In the event such bill should be presented to and approved by the Committee at such special meeting, it will be presented as a part of this report.

Your Committee further recommends that the proposed acts approved by the Mississippi State Bar at its June 1962 Convention, which have not been acted upon by the Legislature, be again approved and submitted to the Legislature at its 1964 Session. The proposed acts referred to in this paragraph are as follows:

ITEM I. An act to amend Chapter 38, Mississippi Laws of 1930 (Sections 414 and 415, Mississippi Code of 1942, Recompiled) to remove therefrom any provisions for the sale of wood or timber and to provide for process on two relatives instead of three in the event of a proceeding to lease oil, gas and mineral rights.

ITEM II. An act to amend Chapter 415, Laws of 1946 (Section 419, Mississippi Code of 1942, Recompiled) to include therein provisions for the sale of timber and wood.

ITEM III. An act to amend Chapter 271, Laws of 1938 (Section 440, Mississippi Code of 1942, Recompiled) to remove the restrictions on funds as used in that section.

ITEM IV. An act to amend Section 498 and Section 500 of the Mississippi Code of 1942 Annotated, Recompiled, so as to provide that proof of wills may be made by affidavit before officer competent to administer oaths as a substitute for the personal attendance of the witness.

ITEM V. An act to amend Section 3 of Chapter 349, Mississippi Laws of 1950 (Section 436-03, Mississippi Code of 1942, Recompiled), to provide for commitment by the clerk of the chancery court where the alleged alcoholic or drug addict admits the allegations of the petition by answer, or is certified to be incapable of responding to process.

REPORT OF THE COMMITTEE ON UNAUTHORIZED PRACTICE OF THE LAW

The Committee on Unauthorized Practice of the Law respectfully submits the following report.

The members of the committee have recognized that the invasion by unlicensed laymen and corporations into the practice of law is a serious hazard to the public welfare as well as to our profession. It is a national problem as well as a local one.

The members of our committee wish to emphasize that the interest of the public is paramount in this problem. They are entitled to have their legal problems handled by well trained, highly educated, duly licensed lawyers who are of good moral character and who can be held responsible.

Our committee has approached this problem with the thought in mind that a lawyer is a person who is the product of a selective process which weeds out by various tests persons who should not study and apply law. Since law is so complex the need for persons to dedicate their lives to the study and application of law is apparent. At the present time our lawyers are not only college graduates, but have devoted three college years to the exclusive study of the law and in many cases more than three years. In their first year of law study, they will cover contracts, torts, real and personal property, procedure in civil and criminal courts, criminal law and legislation, and receive some basic instruction in legal history, legal methods or legal techniques.

About three out of ten students who begin law study will not return for the second year. During the second year, he is required or may choose to take courses in corporation, partnership and agency laws, wills, trusts and future interests, equity, labor law, evidence, conflict of laws, federal taxation, commercial transactions including such subjects as sales, bills and notes and secured transactions, family or domestic relations law, constitutional law, municipal government law, anti-trust or trade regulation law, workmen's compensation law, administrative law and procedure, patent law, international law, comparative law and practical subjects such as legal research, trial advocacy and appellate advocacy.

Approximately five out of ten students who begin law complete their legal education. Then after establishing satisfactory moral character and obtaining his law degree, he must pass a written examination, if his degree is obtained in a law school outside the state.

The above are safeguards for the public to assure that they may have well trained attorneys on whom they can rely. Now, when anyone who has not been trained invades the field of practicing law, both the public and the trained attorneys are injured.

Realizing this problem, your Chairman was asked to attend the National Conference on Unauthorized Practice of Law sponsored by the American Bar Association, held in New York City in May of 1962. I was amazed at the seriousness with which the leading lawyers of the nation considered the problem and the alarming increase in the unauthorized practice of law throughout the country. I learned that in many of the larger states the bar maintains a permanent staff to conduct litigation.

Among those speaking to the Conference was the President of the American Bar Association, John C. Satterfield, who stressed the American Bar Association's responsibility of leadership in the fields of fighting unauthorized practice. He stated that the American Bar Association Board of Governors had tentatively approved the employment of a permanent staff member to assist with the large volume of correspondence on "Ethics" and on "Unauthorized Practice" as one of the steps in promoting the national work against unauthorized practice.

At the first meeting of the committee, it was agreed that the high volume of study would be submitted to sub-committees. The Chairman was authorized to appoint the following sub-committees:

Real Estate Brokers: Chairman, Shields Sims, Columbus; Wilmer O. Dillard, Laurel; A. D. Whitten, Charleston.

Accountants and Certified Public Accountants: Orma R. Smith, Jr., Chairman, Corinth; Harry L. Corban, Fayette; Frank K. Odom, Greenwood.

Banks and Trust Companies, Building and Loan Associations: Chairman, George P. Hewes, III, Jackson; George D. Warner, Meridian; Forrest B. Jackson, Jackson.

Local Officials and Justices of Peace, etc.: Chairman, Judge Walter M. O'Barr, Okolona; Jesse L. Yancy, Jr., Bruce; Gerald E. Braddock, Kosciusko.

Insurance Companies and Insurance Agencies: Chairman, Lester F. Sumners, New Albany; Dick Ramsey Thomas, Senatobia.

These sub-committees were requested to make a specialized study of the problems of unauthorized practice in the particular fields and later to bring them to the attention of the combined committee.

The members of our committee wish to emphasize that the public interest is paramount in this problem. The public is entitled to have all legal problems handled by a well trained, highly educated, duly licensed lawyer who is reliable and who is of good moral character and who can be held responsible.

The laws of every state in the union in relation to this subject are aimed to protect the public and to assure them that the legal work and professional advice and legal services will be handled by men who have been educated and trained and licensed.

There may have been a time in the early and simpler days of the Republic when it mattered very little who got a license, for each man was a law unto himself and was obligated only to God and his conscience. If anyone could get a law license, what difference would it make if anybody practiced law? In the early days during these times, there was little law practice outside of the court room.

However, along about 1917, the New York Court began to take notice of the growth of office practice when it announced:

> The practice of law, as the term is now commonly used, embraces much more than the conduct of litigation. The greater, more responsible, and delicate part of a lawyer's work is in other directions. Drafting instruments, creating trusts, formulating contracts, drawing wills and negotiations, all require legal knowledge and power of adaptation of the highest order. Besides these employments, mere skill in trying lawsuits, where ready wit and natural resources often prevail against profound knowledge of the law, is a relatively unimportant part of a lawyer's work.

Since that time the standards for admission to the bar have been raised year after year in the public interest.

> It is readily apparent that it would serve no useful purpose to require high standards of efficiency for members of the legal profession if those who have not attained these standards of efficiency are to be permitted to practice the arts of the profession . . . . Again, it would be useless to establish high standards of morality for members of the profession if those who are not members, and therefore not bound by such canons, could practice the arts of the profession.

In recent years there have been certain firms and certain businesses which have seen fit either through greed or ignorance, to engage in the practice of law. The public interest as well as the legal profession have been injured. This is not an indictment against these entire businesses or these entire professions. We wish to believe that a majority of them have not been guilty. We wish to believe that when the matter is brought to their attention in a tactful and forceful manner that most of them when they understand that they have been violating the laws of Mississippi, will refrain voluntarily.

Let me illustrate. It has been reported to this committee that in some real estate brokers' offices, they have engaged in the preparation of contracts, of sales, of deeds, notes, deeds of trust, and other instruments for the transfer of title conveying real estate. This, of course, is the practice of law. The real estate broker should, when closing a deal, have the buyer and seller go directly to the lawyer of their choice and have the proper papers drawn up by such lawyer and the deal closed in the lawyer's office. Not only does he not lose, but he gains in the long run because he is assured that the interest of both the seller and the purchaser are protected and that his commission is safeguarded.

In studying this very important problem which is of importance both to the public and to the profession, we have found that there are probably a number of fields in which there have been some individuals and some corporations which have been engaged in the practice of law without being licensed. In making these statements, we must emphasize that these are not accusations against all parties within these trades or professions or businesses. Frankly, most individuals therein are completely free and are entirely ethical, but as in all professions there are some black sheep, some who may be innocently or thoughtlessly engaged in some practice without realizing what they have been doing or that they are engaging in the practice of law. With that premise in mind, our committee has studied the problem of lawyers and realtors. Some years ago, the national conference of lawyers and realtors was held and what is known as the Memphis Resolution was passed in which a joint agreement was made. It was agreed as follows:

> 1. The realtor shall not practice law or give legal advice directly or indirectly; he shall not act as a public conveyance, nor give advice or opinions as to the legal effect of legal instruments, nor give opinions concerning the validity of title to real estate, and he shall not prevent or discourage any party to a real estate transaction from employing the services of a lawyer.
>
> 2. The realtor shall not undertake to draw or prepare documents fixing and defining the legal rights of parties to a transaction. However, when acting as

broker, a realtor may use an earnest money contract form for the protection of either party against unreasonable withdrawal from the transaction, provided that such earnest money contract form, as well as any other standard legal forms used by the broker in transacting such business, shall first have been approved and promulgated for such use by the Association and the Real Estate Board in the locality where the forms are to be used.

We are of the opinion that the public interest will be best served if our real estate friends, when a seller and purchaser deal is made, will call in a lawyer to prepare all documents. This is in the interest of the broker as well as the buyer and the seller and there is removed from the broker the possibility of criticism for error in favoring one or the other or mistake in the papers, and would free him from any possibility or charge of violating the practice of law.

Likewise, in the field of accountancy. I am happy to report that our CPA and other accountants are working very well with our profession, but there are a few accountants on the fringe who are attempting to give legal advice in estate planning, in the preparation of wills, in the establishment of trusts and the like, which is clearly in the field of practice of law. At the same time, let me caution the general practitioner that he should prepare himself better in this field so that he will be able to advise his clients more accurately in the field of estate planning and keep up to date on the preparation of modern wills. Our committee must admit that some of our lawyers have allowed others to preempt some of these fields by our indifference and perhaps laziness. Some laymen have stepped in to fill a void which we have left open.

While we have included the field of trusts and banks and building and loan associations, we are recommending that our successor committee continue this study on the field of trusts and banks. We have not found that either of these corporations are engaged in the practice of law. They do have attorneys in charge of their trust departments to handle estates as executors and trustees, but they do recommend the families to select their own attorney and so far we have determined that they are very careful *not* to have their own attorney do this. Our committee has not completed our study of this problem and is asking that our successor committee continue the study until it can be completed to the satisfaction of all parties concerned.

The members of the Bar, of course, will understand that work in Mississippi is rather new in our committee and the members of our committee are scattered over the state and all are busy men and we have not had time to have many meetings. It took time to get organized and most of the work of the committee will have to be completed by a like committee of another year.

Quite a few complaints have come to us about the fact that many county officials such as justices of the peace, chancery clerks, circuit clerks, and even sheriffs, particularly when they have previously been lawyers, have been called on by their friends to give legal advice and to prepare legal papers and to interpret legal papers. We suggest that the Mississippi State Bar prepare a brochure to all elected county and county district officials calling their attention to the fact that it is a criminal offense to engage in unlawful practice of the law. We believe that these officials will be very happy to use this warning to show to their political friends as a reason for not engaging in the practice of law and that this will be sufficient to end this practice. However, our sub-committee would like to have suggestions from other members of the Bar on this subject.

From other states and from within the state, we have information that certain insurance agents and agencies in their zeal to write life insurance policies, are giving legal advice on the preparation of wills, estate planning of and about insurance, and the legal aspects of estate planning, and we believe that this problem

should be given further study by the committee for this coming year and that appropriate measures should be decided based on what they find.

We think conferences with the general agents of the insurance companies doing business in Mississippi, together with the sub-committee can probably work out a satisfactory answer.

The seriousness of the problem has been emphasized by the fact that recently the Pearl River Grand Jury in April 1963, in its report warned the general public that the practice of law by unlicensed persons in Pearl River County had been a very serious problem and stated, "We urge that the general public be alerted to this situation and report any known violations to the proper law officials." They also advised, "For the sake of those who may not know the provisions of the law, that no person should engage in law practice without first qualifying himself and obtaining the proper license."

We urge all lawyers of Mississippi to become more familiar with what constitutes the practice of law and at the same time what is the unauthorized practice of law.

If every lawyer attending this convention will give serious thought to the problem to the extent that when he finds that there has been an invasion by some individual laymen in the practice of law, that he will bring it to the attention of the bar. Generally speaking, one who engages in the preparation of legal documents or of giving legal advice in any way, without the proper license, is guilty of unauthorized practice of law.

The judicial branch of our government has exclusive power to regulate and control the practice of law. No administrative branch of our government has this right. In other words, if one is engaged in unauthorized practice of the law, the procedure is to have it brought to the attention of our courts. Our larger states have a permanent staff of attorneys. We, of course, in Mississippi do not. We do not propose to suggest one. We are not even proposing that we engage in any kind of court proceedings against anyone at this time. We are not "witch hunting." We do not have the evidence upon which to base any kind of proceedings at this time. We hope to handle any given situation by persuasion, conferences, and means short of litigation.

Mr. President, this has been a year of organization, of study, of preparation, and we can not point to a record of accomplishment, but we can point to, we hope, a large volume of records which we may turn over to the new committee and offer to them our full cooperation and assistance.

COMMITTEE REPORTS—JUNIOR BAR SECTION

REPORT OF THE COMMITTEE OF THE SEVENTEENTH ANNUAL MISSISSIPPI LAW INSTITUTE

The Seventeenth Annual Mississippi Law Institute was held in Jackson, Mississippi, at the Heidelberg Hotel on December 7th and 8th, 1962. The subject of the Institute was "Real Property Law." Over three hundred attorneys registered and attended this institute which is the largest attendance the Institute has ever had.

This year for the first time the speeches of all of the Institute's lecturers have been published and are available for not only the use of those attorneys attending the Institute, but for those who were unable to attend because of conflicts. The speeches have been printed in book form and the book may be purchased from The Bobbs-Merrill Company, Inc., of Indianapolis, Indiana. Copies of the book are still available at $10.00 each. Since the speeches contained numerous Mississippi citations, it will be a valuable reference book for practicing attorneys. Dean W. Page Keeton

of the University of Texas School of Law delivered the banquet address on "Law and Mankind in a Changing World." According to custom, the banquet speaker was introduced by Dean Robert J. Farley.

The Institute Committee has already commenced work on another fine program for December of this year and extend to all of the attorneys of the Mississippi State Bar a cordial invitation to attend the Eighteenth Annual Institute.

REPORT OF THE YOUNG LAWYERS' SEMINAR COMMITTEE

The Fifth Annual Young Lawyers' Seminar was held at Millsaps College in August 1962. There were forty-two registrants for the program. Practically all of the services or expenses of items used were donated.

The purpose of the Young Lawyers' Seminar is to bridge the gap between the theory of law school and some of the more practical aspects of actually practicing law.

The Mid-South Title Insurance Company sponsored a "Satisfactorium," and the Trust Department of the First National Bank of Jackson gave the Friday night banquet. Mr. Rubel Phillips was the banquet speaker.

The speakers at this Seminar were Vardaman S. Dunn, Workmen's Compensation; Joe Daniel, Mechanics of the Courts; R. H. Thompson, Accounts Collection; Rowan Taylor, Abstracts and Title; Orma R. Smith, Domestic Relations; Jessie Boyce Holloman, Defense of Criminal Actions; Joshua M. Morse, III, Negligence Actions.

APPENDIX B

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406 Benachi
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Lt. Mark T. Finch
126 Shadylawn Drive
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First Bank of Biloxi Bldg.
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938 Central Beach

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807 Porter Avenue
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621 School Street
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Helen J. McDade
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948 Arnold Ave.
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H. Talbot Odom
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Grenada Bank Bldg.
Jay Gore, Jr.
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Lucille T. Latta
Box 922
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Mitchell M. Lundy
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Evans Bldg.
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Lida B. Shaw
1176 S. Mound St.
William F. Winter
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1607 24th Ave.
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203 Hardy Bldg.
P. D. Greaves
Suite 308,
Gulf Nat'l Bk. Bldg.
Zula Kate Harris
Box 225
T. J. Buchanan Heiss
Rm. 206, Kremer Bldg.
Gaston H. Hewes
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Webb M. Mize
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John Smith Morris
22-40th St.
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Box 265
Nancy Wood Morse
Box 265
Stanford E. Morse
Box 265
Stanford E. Morse, Jr.
Box 265
Sherman Lewis Muths, Jr.
2300 14th St.
Paul M. Newton
2414 Fourteenth St.
H. G. O'Conor
4512 Jefferson Ave.
William R. Owings
Box 711
Owen T. Palmer, Jr.
2209 14th St.
Clayton Rand
The Dixie Press
Thomas N. Roberts, Jr.
Box 181
Joseph C. Seaman, Jr.
No. 11 51st St.
Donald O. Simmons
Box 575
Upton Sisson
Box 456
George R. Smith
Box 177
George R. Smith, Jr.
Box 177
William L. Stewart
405 Hewes Bldg.
Thomas B. Sumrall
Hatten Bldg.
Robert L. Taylor
Box 88
Hollis C. Thompson, Jr.
Box 580
R. W. Thompson, Jr.
310 Gulf Nat'l Bk. Bldg.
McRae Turner, Jr.
Miss. Power Co.
Fred H. Walker
2817 25th Ave.
Harry G. Walker
Box 2251 Evergreen Sta.
Knox W. Walker
Rm. 201, Jo Fran Bldg.
Douglas Knox White
Abstract Bldg.
Neil W. White
Box 985
Neil W. White, Jr.
Abstract Bldg.
W. H. White
Box 144
Marguerite L. Williams
1805 19th Ave.
Ralph D. Young
Box 181
Richard L. Yarbrough
1414 25th Ave.

HATTIESBURG

Lawrence Arrington
Box 22
Robert E. Arrington
Box 22
Bruce C. Aultman
411 Carter Bldg.
Dorrance Aultman
Box 3
B. H. Baker
Box 801
Frank David Barber
Box 1209
Stone D. Barefield
611 Carter Bldg.
Carl E. Berry, Jr.
201-02 Michael Bldg.
J. Lee Bilberry
Box 1390

James F. Bodman, Jr.
Route 1, Box 111
M. D. Brett
Citizens Bank
Irvin H. Buchalter
Box 506
Frank W. Buckley
1011 Pitts St.
J. M. Byrd
Box 1725
Robert L. Calhoun
Box 461
Lester Clark
302 1st Federal Bldg.
Dudley W. Conner
Conner Bldg.
Harold B. Cubley
Box 969
Edward J. Currie, Jr.
Box 29
Edward J. Currie, Sr.
Box 29
George G. Currie
Box 626
George W. Currie
Box 626
George C. Curry
Box 1709
Daniel W. Dabbs
Box 468
T. W. Davis, Jr.
Box 529
James K. Dukes
Box 822
James Finch
Suite 207, Ross Bldg.
Lawrence Y. Foote
Drawer 1231
Davis T. Fortenberry
411 Carter Bldg.
Herbert R. Ginsberg
1st Federal Bldg.
Paul E. Grady
Box 1349
Reginald A. Gray, Jr.
201 Carter Bldg.
John S. Grove
220 Rebel Bldg.
Wallace R. Gunn
Box 1174
Judge Stanton A. Hall
Circuit Court
P. O. Box 135
Judge William Haralson
Box 132
F. C. Hathorn, Jr.
Box 865
Rowland W. Heidelberg, Jr.
401 Ross Bldg.
Paul H. Holmes
Box 822
William J. Huff
200 N. 38th Ave.
Paul B. Johnson, Jr.
130½ E. Pine St.
Rex. K. Jones
Box 125
W. Arlington Jones
Suite 405, Carter Bldg.
William F. Jones
Box 95
Carl W. Kepper
Box 251
Marie P. Kepper
Box 251
Joe R. King
304-05 Citizens Bk. Bldg.
Alvin N. London
Box 426
James F. McKenzie
401 Ross Bldg.
George T. McPherson
Box 1390
Frank D. Montague, Jr.
201-204 Carter Bldg.
J. Martin Mooney
Carter Bldg.
Alfred Moore
Box 95
C. M. Morgan, Jr.
Box 1333
Forrest M. Morris, Jr.
215 E. Front St.
William V. Murry
204 Conner Bldg.
Mildred W. Norris
Box 1209
Judge Thomas D. Ott
307 Citizens Bank Bldg.
Howard L. Patterson
Box 808
Claude F. Pittman, Jr.
Box 227
Edwin Lloyd Pittman
511½ Main St.
Jack Homer Pittman
Box 227
Homer Pittman
Box 227
Moran M. Pope, Jr.
Box 1463
Jesse D. Puckett, Jr.
Box 1390
William L. Richmond
119 Front St.
Thomas Jack Riley
300 Forrest St.
M. M. Roberts
Box 870
John Hillman Rogers
813 Crestview Dr.
Phillip Rolls
Box 1343
W. L. Shappley
Box 6
James Simrall, Jr.
411 Carter Bldg.
E. E. Staton
Box 54
Ben Stevens
Box 1381
Joseph H. Stevens
Box 1643
Jack Stewart
Box 969
C. W. Sullivan
P. O. Box 1591
R. M. Sullivan
Box 1591
T. Harris Sullivan
Ross Bldg.
Dan Gary Sutherland
401 Ross Bldg.
Box 1070
Melvin M. Thomas, Jr.
200 29th Ave.
J. Kearney Travis
Citizens Bk. Bldg.
James K. Travis, Jr.
P. O. Box 590
Jack B. Weldy
Suite 206-10 Carter Bldg.
Francis T. Zachary
P. O. Box 24

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John T. Armstrong
Bank of Hazlehurst Bldg.
E. R. Arrington
Box 347
R. O. Arrington, Jr.
Box 347
Donald C. Cooley
Drawer 30
Harris B. Henley
Box 509
W. S. Henley
Box 509
Harry O. Hoffman, Jr.
Bank of Hazlehurst Bldg.
Carroll Kemp
Wilson Bldg.
Julius L. Lotterhos, Jr.
Box 509
Lena C. Zama
Box 108

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Ross Lee Franks
Boyce Lee Garner
Lee Virden Hamberlin
Box 715
F. C. Holmes, Jr.
H. Grady Johnston
Joel P. Walker
Edward L. Whitten, Sr.
W. E. Wilroy, Jr.
Box 5
W. E. Wilroy
Box 5

HICKORY

W. M. Everett
Box 115
S. E. McGee

HOLLANDALE

W. Scott Thompson
Box 307

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411 Salem
John W. Bryant, Jr.
Merchants & Farmers
Bk. Bldg.
Robert P. Crutcher
Box 377
Lt. Charles N. Dean
330 Salem Ave.
Wall Doxey, Jr.
Lester G. Fant, Jr.
Box 377
Sidney L. Hurdle
First State Bank Bldg.
John L. Kennedy
North Side of Square
L. A. Smith, Jr.
First State Bank Bldg.
Fred E. Swaney
Van Dorn Ave.

HOUSTON

H. B. Abernethy
Woodrow Wilson Brand, Jr.
Box 128
Jeff Busby
P. O. Box 123
Thomas B. Davis
432 S. Jackson St.
John P. Fox
Box 231
Robert G. Gilder
James Simms Gore
562 North Jackson St.
A. E. Hawkins
Box 266
C. H. McCraine, Jr.
Box 231

INDIANOLA

Richard M. Allen
404 Main St.
A. B. Clark
Box 88
Judge Arthur B. Clark, Jr.
Circuit Court
Box 88
Edward L. Cook, Jr.
Box 147
Forrest G. Cooper
Masonic Bldg.
Frank O. Crosthwait, Jr.
Masonic Bldg.
Howard Q. Davis
Box 88
Aaron M. Edwards
236 Sunflower Ave.
Gordon L. Lyon
Masonic Bldg.
J. H. Price
David M. Quinn, Jr.
Box 172
G. P. Ritchey
128 Main St.
Oscar B. Townsend
Box 88

ITTA BENA

Cleveland Davis
Box 98
Perry W. Morton
Box 82

IUKA

J. O. Clark
James Barry Finch
Box 335
Cecil Lamar Sumners

JACKSON

Annie Lou Abel
1409 St. Francis
Lee B. Agnew
418 Yazoo St.
John E. Aldridge
Box 1699
Chalmers W. Alexander
Box 291
James A. Alexander, Jr.
Box 97
Julian P. Alexander, Jr.
Box 1367
Paul Alexander
Box 1353
William P. Alexander
Box 1284
William A. Allain
Box 220
James E. Allen
Box 1200
Sam S. Allred
Box 651
Lester Alvis, Jr.
3955 Berkley Dr.
B. Galloway Austin
518 E. Pascagoula St.
Roy G. Ayles
Box 97
William A. Bacon
Box 15
Charles T. Barber
Box 1734
Harold J. Barkley, Jr.
5134 Parkway Dr.
Henry E. Barksdale
Box 1115
James Arden Barnett
Box 1288
Governor Ross R. Barnett
New Capitol
Ross R. Barnett, Jr.
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Robert M. Bass, Jr.
Box 1490
Stephen L. Beach, Jr.
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Loyd Lamar Beacham, Jr.
822 Plaza Bldg.
Bobby Ray Beatty
Box 1127
James A. Becker, Jr.
Box 650
Jefferson C. Bell
347 E. Northside Dr.
Thomas A. Bell
Box 1084
J. A. Bellan, Jr.
690 1st Nat'l Bk. Bldg.
William H. Bennett, Jr.
Box 56
Walter Berry
c/o Cabell Electric Co.
Robert A. Biggs, Jr.
Box 1370
Richard A. Billups, Jr.
Box 1056
Alvin Binder
Box 25
Samuel E. Birdsong, Jr.
4047 Pine Hill Dr.
Melvin B. Bishop
Box 1084
Walter R. Bivins
235 Cooper Road
D. Carl Black, Jr.
Box 1849
Tom L. Blissard
King Edward Hotel
E. L. Bond
321 Sewanee Dr.
Grover L. Boone
4660 Meadowridge Dr.
Carl C. Bostic
Barnett Bldg.
M. P. Bouslog
Box 3032
Francis S. Bowling
Court Square S. Bldg.
Hartwell Bowling
Box 78
Ras Milton Boyles
Box 998
Richard C. Bradley
406 Rollingwood Dr.
Judge Tom P. Brady
Asso, Justice
Supreme Court
New Capitol
Audrey W. Brand
Box 8222
Battlefield Sta.
Jack W. Brand
Box 158
S. M. Brand
Box 8222
Battlefield Sta.
Dan E. Breland
Box 765
Charles Alexander Brewer
306 Barnett Bldg.
Kenneth M. Britt
690 1st Nat'l Bk. Bldg.

Harmon W. Broom
418½ E. Pearl St.
Rufus H. Broome
P. O. Box 5521
J. T. Brown
Box 291
R. Jess Brown
125½ N. Farish St.
Douglas H. Brumfield
165 Carmel Ave.
E. L. Brunini
Box 119
Clifton E. Bryant
4250 Athens Dr.
Noel W. Buckley
209 Barnett Bldg.
Cary E. Bufkin
Box 1172
James D. Buford
Box 1172
Delos H. Burks
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New Capitol
Robert Burns
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Jack C. Burrell
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Suite 310, Barnett Bldg.
William A. Busby
418 Yazoo St.
Millard M. Bush
Box 25
George H. Butler
Drawer 1250
Wilton V. Byars
1617 Wilhurst St.
Joseph B. Cadwallader
245 Sykes Road
James Thomas Caldwell
690 1st Nat'l Bk. Bldg.
T. Eugene Caldwell
Box 1704
Edwin T. Calhoun
1626 Lockwood
K. Hayes Callicutt
Box 1172
Robert C. Cannada
Drawer 1250
John Wesley Capers
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Natie P. Caraway
Box 1084
Robert Taylor Carlisle
Box 1269
Charles A. Carter
Box 1582
William O. Carter, Jr.
Box 157
Craig Castle
328 1st Nat'l Bk. Bldg.
Edward L. Cates
Box 1582
Paul Chambers
Box 157
William M. Champion
Box 650
Reynolds Cheney
Box 1666
James K. Child, Jr.
Box 157
W. M. Childress
Box 12
Bernard W. N. Chill
Box 1482
Clifford C. Chittim
Box 427
Richard D. Chotard, Jr.
639 N. Congress
Charles Clark
Box 1046
G. C. Clark, Jr.
107 Electric Bldg.
Hollis M. Clark
513½ E. Capitol St.
Thurman L. Clark
4143 Carol Drive
William W. Clark
Box 1429
Neal Clement
1241 Dep. Gty. Bk. Bldg.
James L. Clemons
1105 Garden Park Dr.
Percy L. Clifton
501 Medical Bldg.
J. W. Cocke
1339 Dep. Gty. Bk. Bldg.
Dr. John V. Cockrell
1816 St. Ann St.
Marvin A. Cohen
Box 427
Curtis E. Coker
Box 1084
William F. Coleman
431 Tombigbee
Aline J. Collum
416 Plaza Bldg.
James O. Conner
821 Madison St.
A. S. Coody
776 North West St.
Henry D. Cook
1216 Raymond Road
Robert F. Cooper
Box 1450
John R. Countiss, III
Suite 200, Petroleum Bldg.
H. A. Courtney
1231-33 Dep. Gty. Bk. Bldg.
Bobby Louis Covington
Box 896
Frederick G. Cox, Jr.
Box 4311
Justin Lamar Cox
Box 158
Judge William Harold Cox
Box 921
William H. Cox, Jr.
Suite 1741
Dep. Gty. Bk. Bldg.
John A. Craig
Box 651
Rufus Creekmore
822-25 Plaza Bldg.
Wade H. Creekmore
Public Ser. Commission
1105 Woolfolk Bldg.
Thomas R. Crews
Box 977
Alfred N. Crisler
South Bldg.
Bert Crisler
813 Dep. Gty. Bk. Bldg.
Charles W. Crisler, Jr.
South Bldg.
Thomas W. Crockett, Jr.
Box 961
Earl R. Cruthirds
Box 1947
E. Hugh Cunningham, Jr.
Box 1288
Arthur Dale Currie
805 Dep. Gty. Bk. Bldg.
Joe H. Daniel
Box 1084
Dale Danks, Jr.
550 Belvedere Road
R. A. Darden
644 Choctaw Rd.
Thomas Edwin Davidson
Box 663
Joe Sanford Deaton
4243 Meadowlane Dr.
R. R. Dinsmore
4096 Redwing Ave.
J. Hubern Dodd
212 Barnett Bldg.
Richard W. Dortch
Box 119
James K. Dossett
1801 Dep. Gty. Bk. Bldg.
Colbert Dudley
2329 Oakhurst Dr.
Vardaman S. Dunn
Suite 1741
Dept. Gty. Bk. Bldg.
P. H. Eager, Jr.
Box 650
Al D. Eatmon
Box 845
Barney E. Eaton, III
Box 942
John A. Eaves
Plaza Bldg.
Grady Jyles Eaves
Plaza Bldg.
Lynel C. Echols
1231-33 Dep. Gty. Bk. Bldg.
Henry Edmonds
Box 481
Richard Mack Edmonson
Box 326
Allan T. Edwards
707 Plaza Bldg.
E. Ray Edwards
Box 427
Joseph B. Elliott
Box 945
Lura Clark Ethridge
720 North St.

Judge W. N. Ethridge, Jr.
Asso. Jus., Supreme Court
New Capitol
Clyde V. Eubanks
Box 10087
William D. Evans
202½ W. Capitol
Jack H. Ewing
Box 330
Foster C. Fant, Jr.
Suite 610, Barnett Bldg.
Michael P. Fedorak, Sr.
V. A. Center, Rm. 119-D
Bethel Ferguson
Miss. Power & Light
Grey Flowers
Box 2022
Henry G. Flowers
Box 609
Doris E. Gray Fondren
Box 5773
W. B. Fontaine
1623 Dep. Gty. Bk. Bldg.
Aaron L. Ford
609 Plaza Bldg.
Victor J. Ford
200 Petroleum Bldg.
John D. Fournet
Box 1031
John H. Fox, III
Box 1261
Lawrence J. Franck
Box 995
J. B. Franklin
Box 12
Lawrence C. Franklin
Box 444
Kenneth I. Franks
690 1st Nat'l Bk. Bldg.
D. K. Galtney
3920 Oaklawn Dr.
Edythe Evelyn Gandy
State Treasurer
Box 138
Martha Gerald
Box 158
James V. Geuder
350 W. Northside Dr.
Don A. Gill
Box 4271
Judge R. G. Gillespie
Asso. Jus., Supreme Court
New Capitol
Robert G. Gillespie, Jr.
Box 158
William F. Goodman
Box 650
Charles M. Gordon
737 Dep. Gty. Bk. Bldg.
Weaver E. Gore, Jr.
Box 186
Robert S. Graham
Box 1841
Brelon E. Grantham, Jr.
Box 1773
R. Gordon Grantham
Box 119
Charles L. Graves
106 Minerva
Elizabeth W. Grayson
Box 650
Garner W. Green
Box 1666
Garner W. Green, Jr.
Box 1666
Joshua Green
Box 1666
John Gregg
Box 1583
J. R. Griffin
Asst. Attorney General
New Capitol
John M. Grower
Box 119
Judge Carl E. Guernsey
Rm. 215, Courthouse
Claude W. Guice
4313 Ridgewood Rd.
Charles C. Hairston
Box 1269
Doric Hakes
348 Sylvian
Carsie Hall
115½ N. Farish St.
Judge Lee D. Hall
1839 Linden Place
George S. Hamilton
305 Dunbar
Lowell D. Hamilton
Box 899
Richard B. Hamilton
1957 Meadowbrook Rd.
Robert B. Hamilton
Box 275
W. Jeff Hamm
Box 97
Bobby Ray Hardin
215 Barnett Bldg.
James Elbert Hardin
4116 Council Circle
A. Y. Harper
Box 1545
Charles Edward Harper
Box 727
David A. Harris
Suite 450, Milner Bldg.
William R. Harris
1615 Pine Ridge Place
Newt P. Harrison
Box 119
Robert W. Hartford
Box 2103
Robert E. Hauberg
Box 2091
Ben Hawkins
Box 4714
Jay Homer Hedgepeth
Box 1467
T. H. Hedgepeth
Box 1467
Cecil F. Heidelberger, Jr.
690 1st Nat'l Bk. Bldg.
Judge Leon F. Hendrick
Box 1473
Charles B. Henley
Box 326
Clinton G. Herring
1537 Dep. Gty. Bk. Bldg.
Bryon T. Hetrick
Box 1818
George P. Hewes, III
Box 119
J. T. Hill
1363 Belvoir
Matelyn Floyd Hines
Belhaven Apartments
Joe W. Hobbs
Box 650
David E. Holderfield
Box 5541
Clarence H. Holland
1605 Linden Place
Edwin R. Holmes, Jr.
Box 2091
Judge James G. Holmes
825 Gillespie
Seeb E. Holmes
1820 Highland Terrace
Hugh S. Hopkins
Box 1699
Frank C. Horton
Box 1084
Judge W. T. Horton
1001 Monroe St.
James R. Houston
Box 945
Homer Lee Howie
161 E. Pearl St.
Joseph H. Howie
Box 724
Theodore G. Huffman
1322 Hazel St.
Joe Jack Hurst
Box 158
Daryl A. Hurt
4631 Locksley Dr.
H. L. Hutcherson
Box 1699
Cecil E. Inman, Jr.
316 1st Nat'l Bk. Bldg.
Forrest B. Jackson
Box 124
Paul L. James
Box 1941
Otis Johnson, Jr.
690 1st Nat'l Bk. Bldg.
Jane F. Johnson
Box 158
Ralph Stuart Johnson
185 Woodland Dr.
Willis Howard Johnson, Sr.
3129 Adrienne Dr.
Ben Block Jones
418 Barnett Bldg.
Bernard M. Jones
9611 Northside Sta.
Paul Tudor Jones V
Box 1467
Judge Robert Lee Jones
Asso. Jus., Supreme Court
New Capitol

Shirley Norwood Jones
Box 1666
W. Roger Jones
Box 326
Wylie Van Kees, Jr.
1801 Dep. Gty. Bk. Bldg.
James E. Kemp
Box 651
Henry M. Kendall
Box 330
Earl Keyes
Box 1381
Frank Kimbrell
640 Milner Bldg.
Robert King
202 Bapt. Book Store Bldg.
S. R. King
425½ E. Capitol St.
James D. Kirby
Illinois Central Railroad
Atley A. Kitchings, Jr.
Box 811
John Kuykendall
Box 961
Judge John W. Kyle
Asso. Jus., Supreme Court
New Capitol
Ernest Edward Laird, Jr.
1st Nat'l Bk.
Bonner R. Landman
Box 661
Ralph Landrum
1433 1st Nat'l Bk. Bldg.
Roger C. Landrum
Drawer 1250
Thomas F. Larche, Sr.
Box 4253
Dan M. Lee
Suite 200, Petroleum Bldg.
Judge Percy M. Lee, Sr.
Asso. Jus., Supreme Court
New Capitol
Robert M. Lee
136 E. Griffith
M. A. Lewis, Jr.
Box 1353
Hubert Lipscomb
Box 115
W. Baldwin Lloyd
901 1st Nat'l Bk. Bldg.
L. H. Long
1727 St. Ann St.
Fred Lotterhos, Jr.
Box 1084
George L. Lucas
Box 896
Jack H. Lucas
Box 54
Warren V. Ludham, Jr.
Box 427
G. Garland Lyell, Jr.
Box 220
Daniel E. Lynn
818 Plaza Bldg.
B. F. Madole
227 Stirling St.
Joe W. Magee
865 Milner Bldg.
Otho Magee
1942 Wingfield Circle
Frank E. Magill
Box 1972
A. W. Magruder, Jr.
218 A&B
Magruder Bldg.
Lauch Magruder, Jr.
1801 Dep. Gty. Bldg.
Robert S. Major, Jr.
3949 Berkley Dr.
Thomas J. Mallette
579 Witsell Road
John P. Maloney
Box 330
Roland D. Marble
Box 158
G. L. Martin
222 Duncan St.
Roy M. Matlock
417½ E. Capitol St.
Walter Dent May
Box 42
Charles R. Mayfield, Jr.
Box 587
Robert Travis McAdory
2428 Coronet Place
B. B. McClendon, Jr.
903 Dep. Gty. Bk. Bldg.
George T. McClintock
Box 1288
A. B. McCraw
1922 Belvedere Drive
Dan M. McCullen
Drawer 1250
John L. McDavid
Box 326
Jack McDill
Box 2091
Judge Taylor H. McElroy
Supreme Court
New Capitol
Judge Harvey McGehee
Chief Justice Supreme
Court, New Capitol
Judge M. M. McGowan
Circuit Court
David M. McMullan
Box 427
Miles Curtiss McKee
Plaza Bldg.
Alex McKeigney
Box 1640
Curtis W. McKewen
1103 Alta Vista Blvd.
Dale H. McKibben
134 E. Amite St.
William E. McKinley
418 Yazoo St.
Martin R. McLendon
Asst. Attorney General
New Capitol
James M. McKay
Box 1200
David M. McMullan
Box 427
Fred P. McRae
745 Gardner St.
Rex McRaney
1139 Dep. Gty. Bk. Bldg.
C. Eugene McRoberts, Jr.
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George D. Meek
619 Mohawk Avenue
Harold D. Miller, Jr.
Drawer 1250
Claude Milstead
4857 Windemere Terrace
Milton H. Mitchell
Box 1582
Woodson W. Moffett, Jr.
Box 1594
E. W. Montgomery, II
Box 724
Hugh C. Montgomery, Jr.
Box 648
Malcolm B. Montgomery
Box 1288
E. Don Moore
Box 10087 Northside Sta.
Robert Payne Moore
1335 Grand Ave.
Judge Russel D. Moore, III
Box 171
William S. Moore
Suite 200, Petroleum Bldg.
Donald B. Morrison
Box 961
Dan W. Morse
601 Plaza Bldg.
Samuel V. Morse
1841 Dep. Gty. Bk. Bldg.
W. E. Morse
602 Plaza Bldg.
Richard Morton
G-2 Sterling Towers
Henry H. Mounger
Drawer 1250
Adrian E. Mullen
1746 Hillview Dr.
Thomas Earl Mullen
Box 2026
Agatha Taylor Murphy
905 Belhaven St.
George S. Neal
Box 945
James Harvey Neeld, III
Box 1261
William H. Neely
Box 78
William T. Neely
Box 17
A. M. Nelson
Box 1072
Alice Nevels
Secretary Miss. State Bar
Box 1032
Hugo Newcomb
Asst. Attorney General
New Capitol Bldg.

James W. Newman, III
Suite 821, Plaza Bldg.
Robert G. Nichols, Jr.
Box 1526
Wayne L. Nix
210 Barnett Bldg.
George R. Nobles
Standard Life Bldg.
Bobby Gene O'Barr
c/o Miss. Work. Comp. Com., Box 651
Junior O'Mara
Drawer 1250
John Mack Osborne, Jr.
Box 17
N. W. Overstreet, Jr.
Box 961
Harry D. Owen
Box 2599
J. Neville Patterson
Asst. Attorney-General
New Capitol Bldg.
Joe T. Patterson
Attorney General
New Capitol
W. R. Patterson
314 Barnett Bldg.
Mary Elizabeth Payne
206 King Dr.
Thomas B. Payne
Box 1947
Dudley Pearce
5565 Queen Mary Lane
Kenneth Giles Perry
Box 1172
Robert E. Perry
Box 961
Edward Joslyn Peters
829 Dep. Gty. Bk. Bldg.
M. J. Peterson
Box 4547
Rubel L. Phillips
Box 961
W. W. Pierce
Box 1261
860 Milner Bldg.
John R. Poole
417½ E. Capitol
Gilbert Bailey Powell
Box 1817
Roy D. Powell
Box 381
Thomas W. Prewitt
Drawer 1250
John H. Price, Jr.
1501-10 Dep. Gty. Bk. Bldg.
Robert A. Pritchard
Box 942
Ralph D. Pruett, Jr.
237 Maywood
John M. Putnam
523-525 Plaza Bldg.
L. Arnold Pyle
Box 427
Dixon Pyles
507½ E. Pearl
John D. Quarles, Jr.
935 Branch St.
James E. Rankin
Box 326
Robert D. Ray
Suite 200, Petroleum Bldg.
W. C. Reed, Jr.
701 Vincent Bldg.
Julius T. Reynolds, Jr.
738 Witsell Road
John Sivley Rhodes
831 N. President St.
Barron C. Ricketts
1615 Dep. Gty. Bk. Bldg.
C. R. Ridgway
Box 187
Louis E. Ridgway, Jr.
Box 187
William B. Ridgway
Box 187
Jack L. Ritter
714 Witsell St.
W. E. Robbins
196 Kolb St.
Judge Stokes Robertson
Box 686
Sidney A. Robinson, Jr.
Box 920
Stuart Robinson
Box 1582
Judge Henry Lee Rogers
Associate Justice
New Capitol
Guy N. Rogers
Asst. Att'y General
New Capitol Bldg.
Joe B. Rogers
2215 Capitol Way
Richard C. Rogers
Box 1653
Shelby R. Rogers
Box 650
Harry Jonas Rosenthal
413 S. President St.
Harry Leonard Rosenthal
413 S. President St.
Fred A. Ross
Box 1669
Howard C. Ross, Jr.
Ross-Jackson Bldg.
Joseph J. Ross
Suite 1203,
Dep. Gty. Bk. Bldg.
Abe A. Rotwein
1203 Dep. Gty. Bk. Bldg.
Fred T. Rucker, III
811 Fairview St.
Roderick S. Russ, Jr.
3726 Crane Blvd.
David Sadler
Box 9634, Northside Sta.
Jeanne D. Scales Saxton
1671 Wilhurst St.
Clarence R. Scales
1107 Dep. Gty. Bk. Bldg.
Jewelle Scales
202½ W. Capitol
Pat H. Scanlon
1540 Dep. Gty. Bk. Bldg.
E. G. Scott
1st Fed. Svgs. & Loan Bldg.
Sam E. Scott
690 1st Nat'l Bk. Bldg.
Tom B. Scott, Jr.
Box 1818
Clanton M. Seay
Box 1136
William F. Selph, Jr.
Box 25
Dugas Shands
Asst. Attorney General
New Capitol
John A. Shanks
4635 Hazlewood Dr.
George E. Shaw, Jr.
Box 289
Dan H. Shell
Box 1172
Ernest L. Shelton
712 Plaza Bldg.
Ernest L. Shelton, III
3533 Northview Dr.
Leon Shelton
221 N. President St.
N. R. Shoemaker
Box 1954
Walter L. Shows
Box 850
J. E. Skinner
Dep. Gty. Bk. Bldg.
Bennett E. Smith
Suite 1140
Dep. Gty. Bk. Bldg.
John T. Smith
1722 St. Mary St.
L. O. Smith, Jr.
1214 1st Nat'l Bk. Bldg.
Neal Smith
Box 1524
Stone M. Smith
Box 1729
Sydney A. Smith
Box 157
W. C. Smith
Box 896
William E. Spell
351 King Edward Hotel
Ernest O. Spencer, Jr.
1240 Petroleum Bldg.
James L. Spencer
523 Plaza Bldg.
Tatum R. Stacy
Box 1269
R. L. Stainton
Box 4391
Herbert Glenn Stampley
3107 Shirley Dr.
Percy Stanfield, Jr.
511 Plaza Bldg.
R. Horace Steele
Box 1200

Jerome B. Steen
Suite 300
Lamar Life Bldg.
E. W. Stennett
412 Barnett Bldg.
Judge J. C. Stennett
Box 686
John H. Stennis
Box 427
Lowell F. Stephens
Box 1200
Francis B. Stevens
Drawer 1250
Phineas Stevens
Drawer 1250
Peter M. Stockett, Jr.
Asst. Attorney General
New Capitol
Ben Harry Stone
Box 119
John E. Stone
4212 Brookdale
R. B. Stovall
603½ E. Fortification
E. Donald Strange
c/o U.S. District Attorney
Federal Bldg.
Harry C. Strauss
760 Lakeland Dr.
Apt. 5-A
F. Kent Stribling
611 Barnett Bldg.
A. C. Stringer
1463 Meadowbrook Road
H. C. Stringer
Rt. 5, Box 62, Terry Rd.
Quentin Stringer
1807 Ridgeover Place
W. E. Suddath, Jr.
Box 650
C. Arthur Sullivan
Box 1381
John C. Sullivan
Box 1381
John C. Sullivan, Jr.
Box 1381
A. F. Summer
Box 587
Valentine Surgis
Box 17
Kenneth L. Swarthout
511 Plaza Bldg.
Thomas M. Tann
Box 1505
Anthony A. Tattis
Box 235
O. B. Taylor
Box 896
O. B. Taylor, Jr.
Box 896
Rowan H. Taylor
Box 896
Swep S. Taylor, Jr.
Box 912
Scott Tennyson
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Sidney R. Tharp
706½ N. Farish
Earl T. Thomas
Lamar Life Bldg.
Allen C. Thompson
City Hall
Fulton Thompson
Box 410
Joe A. Thompson
Box 1490
R. Fulton Thompson
Box 410
Robert H. Thompson
Box 410
Collis M. Thornell
Apt. R 2
1315 West Capitol St.
W. A. Thornton
Box 10087
Bernard L. Tighe
416 Plaza Bldg.
Bowman Stirling Tighe
416 Plaza Bldg.
E. B. Todd
429 Tombigbee
Court Square
John E. Tracy
1001 1st Nat'l Bk. Bldg.
R. C. Trainor
Box 4973
Cecil F. Travis
Box 995
John A. Travis, Jr.
Box 807
Robert Cecil Travis
Box 995
John Bruce Traylor
Box 1094
Betty Bartee Tucker
507½ E. Pearl St.
Luther B. Turbeville
Box 1086
Felix Underwood, Jr.
Box 648
Robert W. Upchurch
2623 Clinton Ave.
Zack J. Van Landingham
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Harlon H. Varnado
412 Cameron Street
Guy M. (Binx) Walker
P. O. Box 427
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511 Plaza Bldg.
William L. Waller
Box 1261
Ben Walley
1111 Dep. Gty. Bk. Bldg.
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1600 Eastover Dr.
Erwin C. Ward
Box 673
H. V. Watkins
Box 427
Thomas H. Watkins
Box 650
J. Raiford Watson
Box 3015
Walker L. Watters
Box 158
Robert H. Weaver
Box 427
Ruby B. Weeks
Box 1084
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Lamar Bldg., Box 158
Erskine W. Wells
Lamar Life Bldg.
W. Calvin Wells, Jr.
Lamar Life Bldg.
W. Calvin Wells, III
Lamar Life Bldg.
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Alonzo S. Westbrook
602 Barnett Bldg.
John M. Weston
Box 1818
Charles Royal White
107 Electric Bldg.
John Harold White, Jr.
107 Electric Bldg.
Gene A. Wilkinson
Box 673
Frank T. Williams
Box 1172
James Lloyd Williams
Box 822
Earl R. Wilson
901 1st Nat'l Bk. Bldg.
James M. Wilson
Box 8487
Sherwood W. Wise
Box 157
Edward L. Womack
Box 896
Wallace Wayne Wood
5952 Waverly Drive
George F. Woodliff
690 1st Nat'l Bk. Bldg.
Thomas H. Woodrow
4929 Clinton Blvd.
Edward Earl Wright
Box 921
William G. Wright
The California Co.
Standard Life Bldg.
L. A. Wyatt
1040 Milner Bldg.
W. Swan Yerger
690 1st Nat'l Bk. Bldg.
Jack H. Young
207 Redmond Bldg.
115½ N. Farish St.
James Leon Young
1540 Dep. Gty. Bk. Bldg.
J. Will Young
1540 Dep. Gty. Bk. Bldg.

Frank M. Youngblood
309 Barnett Bldg.
Thomas Lee Zebert
185 Chotard Ave.

KOSCIUSKO

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Box 550
William D. Brooks
105-07 S. Madison St.
Aaron S. Condon
Box 709
David E. Crawley, Jr.
Crawley Bldg.
William Reynolds Ford
Crawley Bldg.
D. H. Glass
Box 746
John D. Guyton
105-07 S. Madison St.
Chatwin M. Jackson, Jr.
Box 189
John Clark Love
120 W. Washington St.
John C. Love, Jr.
120 W. Washington St.
Alton Massey
Box 189
Ray S. Mikell
Box 249
Clarence E. Morgan, Jr.
Box 348
G. J. Thornton
Morgan & Lindsay Bldg.
Harold W. Williams
517 Lucas St.
Claude Jackson Woodward
Doty Bldg.

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Box 215
Walter E. Grantham, II
Box 86
Hoke Stone
Van D. Stone

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E. R. Alley
Box 106
Judge J. Luther Austin
County Court
Jones County
Ray Douglas Baldwin
Box 1106
W. A. Beard, Jr.
1st Nat'l Bk. Bldg.
E. C. Bonney
Box 957
M. W. Boyd
Box 111
William S. Boyd, Jr.
Box 726
Harvey Breazeale
c/o Masonite Corp.
Ronald C. Brown
Box 171
Kenneth E. Bullock
Box 692
Lampkin H. Butts
Box 153
John A. Bruce Caldwell
Box 726
J. Edwin Campbell
Box 584
B. F. Carter
Norman Bldg.
Judge Lunsford Casey
Box 185
Thomas Eugene Clark
Box 2291
Elson K. Collins
Box 732
F. B. Collins
Box 31
Jeff Collins
Norman Bldg.
Edwin P. Connolly
Box 525
William M. Deavours
Box 106
W. O. Dillard
Box 1106
Grover C. Doggette
Box 922
Herbert H. Dyke
11 County Club Dr.
Carroll Gartin
Box 713
C. Denton Gibbes, Jr.
Box 2208, Choctaw Sta.
Stewart J. Gilchrist
Suite 301, Wallace Bldg.
Louis A. Gily, Jr.
Box 1123
Ernest W. Graves
Box 2208, Choctaw Sta.
Matthew Harper, Jr.
Box 726
James D. Hester
Box 713
Thomas J. Holifield
Box 726
W. Major Holifield
Box 901
Robert E. Husband
Box 542
Harry E. Koch
Box 2455
Roy C. Kuyrkendall, Jr.
Box 183
George D. Maxey
O'Ferrall Bldg.
Harold W. Melvin
Box 142
Leonard B. Melvin, Jr.
Box 142
Leonard B. Melvin, Sr.
Box 142
Goode Montgomery, Jr.
Box 402
Paul Montgomery, Jr.
Box 402
H. C. Moynihan
519½ Central Ave.
William S. Mullins, III
Box 2008
Choctaw Sta.
William Harold Odom
Box 354
L. A. Pacific
Box 1860
Samuel V. Pack
Box 368
Charles W. Pickering
Box 44
Arcade Bldg.
L. Percy Quinn
Pinehurst Hotel
Kalford C. Ratcliff
Box 368
Robert L. Ridley
Box 844
Quitman Ross
Box 464
A. S. Scott
Box 403
Andrew S. Scott, Jr.
Box 403
Philip E. Stevens
Box 434
Pershing B. Sullivan
Box 1106
Paul G. Swartzfager
Box 121
Philip M. Swartzfager
Box 121
Raymond C. Swartzfager, Jr.
P. O. Box 121
Lowell W. Tew
Box 732
C. H. Walker
730 Oak Drive
Guy M. Walker
Box 1106
Milton B. Weems
Box 106
David C. Welch
Box 2008 Choctaw Sta.
Raynold Lee Willett
10-11 O'Ferrall Bldg.

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Curtis Breland
Box 154

LELAND

D. Hilton Waits
Box 128
William B. Waits
Box 128
Taylor Webb
Box 414

LEXINGTON

Pat M. Barrett
Joseph E. Berman
Box 299
H. H. Johnson
104 College

P. P. Lindholm
Box 5
G. H. McMorrough
D. T. Ruff
H. Edwin White
208 Court Square
Parham H. Williams, Jr.
Box 59

LIBERTY

T. F. Badon
Box 21
Mary Jo Poole Forman
Drawer L
Joe D. Gordon
Box 268
Kenneth Gordon
Box 373
F. W. Stratton
Box D

LITTLE ROCK

John Adam Smith
Route 2, Box 4

LONG BEACH

George W. Allen
137 Beach Park Ave.
Louis S. Bills, Jr.
115 Olson Street
William R. Boggs
630 West Beach
Pete H. Carrubba
Box 398
Albert E. Easterling, Jr.
202 West Ave.
E. Terrell Easterling
103 Jeff Davis Avenue
Harvey H. Hutchins
208 Jeff Davis Avenue
Joseph B. Mackey
Box 275

LOUISVILLE

R. W. Boydstun
Box 560
R. W. Boydstun, Jr.
Box 342
Charles D. Fair
Box 509
J. Hoy Hathorn
Masonic Bldg.
E. Grady Jolly, Jr.
Box 471
James Cal Mayo
Box 404
Neal Prisock
Burris Olen Smith
Box 328
W. A. Strong, Jr.
Box 328
Henry C. Wood
Box 455

LUCEDALE

William Thames Bailey
Box 493
H. M. Hunter
Route 1
Maurice L. Malone
Box 208
Judge Darwin M. Maples
Circuit Court
J. O. Moss
Box 572
Williams S. Murphy

LUMBERTON

Bobby J. Garraway
Box 335

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E. H. Britton
Ernest L. Brown
W. B. Lucas
L. L. Martin
John Alton Phillips
J. P. Stennis
Andrew W. Sullivan, Jr.
Wayne Street

MADISON

H. S. Owens
Box 7

MAGEE

T. M. Bishop
Box 623
L. R. Floyd
R.F.D. 2, Box 122
Billy C. Little
Willis T. Matthews
Box 234

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William T. Denman, III
110 N. Cherry Street
Thad Leggett, III
Box 307
O. W. Phillips
225 East Bay Street
Robert S. Reeves
Box 508
B. D. Statham
110 N. Cherry St.

MARKS

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Ben M. Caldwell
Box 370
P. L. Denton
Ney M. Gore, Jr.
T. N. Gore
Lomax Lamb, Jr.
Eugene Thompson

McCOMB

Louis Alford
Box 489
Robert W. Brumfield
Box 998
Harry L. Case, Jr.
Box 1019
John B. Ewing
Box 599
Norman B. Gillis, Jr.
Drawer G
Judge Bert H. Jones
Chancellor
William T. Jones
Box 63
L. S. McClaren
Box 201
Gerald M. McMillan
Box 73
Joe N. Pigott
Box 940
R. B. Reeves
Box 998
J. Gordon Roach
Brent Bldg.
John Morris Roach
Box 205
Holt Ross
315 Virginia Ave.
Judge Hansford L. Simmons
Alfred Paul Statham
104 B Professional Bldg.
Laverne A. Varnado
Box 959
John H. White, Jr.
Box 672
Winton Edwin Williams
Box 205
William A. Wiltshire
Drawer 527

MEADVILLE

L. L. Forman
K. Maxwell Graves, Jr.
Box 188
Charles Herring
Box 265
W. Wilson Hewitt
Nolan M. McCoy
Box 265
H. B. Mayes McGehee
Box 188
Judge James A. Torrey
Circuit Court
James A. Torrey, Jr.
Box 188
Sanferd P. Torrey

MENDENHALL

Thomas B. Alexander
A. K. Edwards
Box 66
George B. Grubbs
Box 217
Isom C. Harrington
Box 181
Thomas H. Sullivan, Jr.
Box 37
J. W. Walker
Box 37
Connie S. Whitfield
Box 458
George G. Williamson
Box 217

MERIDIAN

J. P. Abston
207-09 Lamar Bldg.
Gerald Adams
Box 849
Brad B. Bailey
2314-17th Street
L. D. Beard
207-09 Lamar Bldg.
Thomas D. Bourdeaux
Box 2009
Albert S. Bozeman
304 Lamar Bldg.
A. S. Bozeman, Jr.
304 Lamar Bldg.
Frank J. Buchanan
U.S.F. & G. Bldg.
Paul M. Busby
Rm. 214, Courthouse
Judge Ben F. Cameron
Box 707
Overton W. Cameron
Box 888
Fledell Chain
3504 32nd Avenue
Edwin K. Clayton
Box 711
W. L. Clayton
1513-25th Street
Robert D. Coit
Box 424
William Bond Compton
Box 845
Lyle V. Corey
Box 1413
J. Michael Corrigan, Jr.
Box 1362
Oliver Wendell Cosey
Box 643
Billy Rae Covington
4047 34th Avenue
J. A. Covington, Jr.
Box 786
Harold G. Crain
Box 144
Maxine B. Crain
Box 144
Dal M. Crenshaw
3rd Floor,
Rosenbaum Bldg.
Robert H. Crook
Box 289
Robert B. Deen, Jr.
Box 888
Edwin A. Dunn
Box 1087
J. Thomas Dunn
Box 1087
Cecil S. Edmundson, Jr.
Broadmoor Mart
Walter W. Eppes, Jr.
3rd Floor
Rosenbaum Bldg.
George M. Ethridge, Jr.
305-07 Lamar Bldg.
J. C. Floyd
Box 888
G. Rayner Gaillard
300 Rosenbaum Bldg.
Champ C. Gipson
Box 804
J. Ray Gipson
Box 442
J. V. Gipson
Box 804
Clyde Dennis Goldman
308 Lamar Blvd.
Thomas L. Goldman
Box 1928
William J. Gunn, Jr.
3rd Floor
Rosenbaum Bldg.
Joseph C. Hamilton
Box 1047
John M. Harmon
Box 1443
Robert Hunter Harmon
Box 711
Judge J. Emerson Harwell
County Court
Lauderdale County
Thomas M. Hendricks, Jr.
Box 1501
Joseph L. Herring
Double J Ranch
Route 3, Box 331
John Herbert Hogue, Jr.
4004 Grandview Avenue
Thomas K. Holyfield
Box 1928
J. Knox Huff, Jr.
300 Rosenbaum Bldg.
Philip D. Hughes
Box 1468
Alvis C. Johnson
Box 824
Granville Jones
Box 1562
S. B. T. Jones
Box 711
Thomas R. Jones, Jr.
305-07 Lamar Bldg.
Maurice F. Kahlmus
Box 1402
Lee Gibbs Kirk
1615 53rd St.
Betty Jane Long
917 Dixie Towers
Richard Guy Lord
Citizens Nat'l Bk. Bldg.
Thomas Y. Minniece
305-07 Lamar Bldg.
S. R. Nettles
903 31st Avenue
Judge William DeB. Neville
Chancellor
Box 908
Joe R. Odom
Box 607
Howard R. Pigford
Box 1501
Claude L. Pitts
300 Rosenbaum Bldg.
John Leslie Prichard
Box 888
Lawrence W. Rabb
Box 2142
Harvey Blanton Ray
Box 449
Donovan Ready, Jr.
Box 1550
William E. Ready
Box 927
Fred M. Rogers
1823 34th Street
Margaret E. Rogers
310 Pigford Bldg.
Box 984
Daniel P. Self, Jr.
Box 449
C. D. Shields
Box 367
Roger B. Shows
Box 786
James Taylor Singley
Box 1087
E. L. Snow
Box 786
Thomas L. Stennis, II
c/o Office
Judge Ben Cameron
U.S. 5th Circuit
Ct. of Appeals
Meridian, Miss.
Frances M. St. Germain
Box 1106
De Quincy V. Sutton
Dixie Towers
Judge Arlo Temple
Circuit Court
Box 1641
Robert L. Tinsley, Jr.
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J. M. Travis
Box 682
Thomas R. Ward
Box 3125
George D. Warner, Jr.
Box 449
Homer C. Watkins
Box 1952
Thomas K. Watts
Box 786
J. C. Wilbourn
Citizens Nat'l Bk. Bldg.
Richard E. Wilbourn, II
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J. Pat Wiley
Box 804
James David Williams
Box 965
Marvin Williams
300 Rosenbaum Bldg.
Donald W. Williamson
Box 425
Donald W. Williamson, Jr.
408 55th Ave.

Lester F. Williamson
Box 1501
N. S. Williamson
Box 86
L. E. Wills
Box 566
Gibson B. Witherspoon
Box 845
Henry S. Woodall
Box 11

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J. P. Patterson
Judge E. A. Turnage
Chancellor
Robert Glenn Turnage
Box 325

MOORHEAD

Ben Himelstein

MORTON

Charles G. Clifford

MOSS POINT

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Frank J. Hammond, Jr.
Box 356
Lloyd Y. Sexton
Box 523

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D. A. McLeod

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Basil G. Ballard
Box 1098
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Box 364
Frederick C. Berger
Box 1314
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508 Main St.
J. M. Brandon
Drawer 1197
Joseph E. Brown, Jr.
Box 485
B. C. Callon
Box 1335
Carl A. Chadwick
Adams Bldg.
Judge Walter D. Coleman
C. L. Collins
319 Market Street
Joseph G. Colson, Jr.
Box 635
E. H. Fitzpatrick, Jr.
Box 226
Brent Forman
Box 1377
W. A. Geisenberger
Suite 7, Fry Bldg.
John T. Green
Box 222
Thomas K. Green, Jr.
Box 262
Lucien C. Gwin
Lomond Bldg.
Lucien C. Gwin, Jr.
Box 375
G. Stuart Handy
Drawer 1197
Graham H. Hicks
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O. M. Hornsby
Drawer 1197
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Forrest A. Johnson
Box 174
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Robert D. Kuehnle
Lomond Bldg.
Anabel Y. Maxie
3611 Laurel Ave.
John Ernest Mulhearn
Box 251
John Ernest Mulhearn, Jr.
Box 251
Clyde W. Mullins
114 S. Commerce St.
Robert L. Netterville
Box 946
Daniel J. O'Beirne
121 N. Commerce St.
William B. O'Neal
Box 332
C. F. Patterson
Box 92
Claude Pintard, Jr.
Box 1023
Jack Edward Pool
411 Main St.
William F. Riley
Box 174
J. Fred Schmidt, Jr.
Johns-Manville Corp.
William Marion Smith
Box 1377
E. G. Truly
Box 1377
Frank W. Walden
319 Main St.
Edwin C. Ward
Box 1377
Calvin B. Wells
Fry Bldg.
Robert Y. Wood, Jr.
Box 1335
Clarence N. Young
Box 300
Joseph S. Zuccaro
Box 1335

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Hugh N. Clayton
Box 157
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603 Glade
Tom Leslie Darden
Norman L. Gillespie
Box 833
Dwayne L. Hale
Baxter N. Knox, Jr.
Box 336
Talmadge D. Littlejohn
Houston Bldg.
W. L. McDonough
304 Main St.
Edgar J. Stephens, Jr.
Box 330
Lester F. Sumners
Box 123

NEW AUGUSTA

John M. Dunnam, Jr.
Box 138

NEWTON

A. B. Amis, Jr.
D. M. Anderson
Box 7
W. A. Byrd
102 Byrd St.
R. S. Majure
Box 220
S. T. Roebuck
124 South Main St.

NORTH CARROLLTON

J. C. Neill
Box 74
W. C. Neill
Peoples Bk. & Trust Co.

OCEAN SPRINGS

Amy Burkett
919 Washington Ave.
Judge L. C. Corban
213 Washington Ave.
G. T. Hellmuth
Box 416
Oscar Robert Jordan
Route 1
B. Nowlin Keener, Jr.
Box 158
Alfred R. Moran
Box 186
Marby R. Penton
206 Washington Ave.
Schuyler Poitevent, Jr.

OKOLONA

George Bean
H. L. Morrison
Hunter S. Neubert
405 Main St.
Judge Walter M. O'Barr
Box 309
John D. Sibley
Main Street

OXFORD

E. Russell Blair, Jr.
Hathorn Hills

Lt. Col. Douglas S. Canning
210 Longest Rd.
Robin O. Cotten
626 Park Drive
Omar Dell Craig
Box 507
Thomas R. Ethridge
Box 566
W. N. Ethridge
Box 566
Thomas H. Freeland, III
Box 269
Gerald A. Gafford
Box 269
Lowell E. Grisham
P. O. Box 566
Will A. Hickman
Box 430
Elmer Leroy Hunt
Box 228
William Walker Joor
Box 207
William R. Lamb
507 N. 14th Street
William Lewis, Jr.
Thomas G. Lilly
Box 191
Oscar Powell Mackey, III
Alfred E. Moreton, III
Box 191
Fred Barringer Patton
518 Tyler Ave.
James W. Price
100 S. Lamar St.
H. M. Ray
Box 191
Bramlett Roberts
Box 507
Phil Stone
Box 269
R. X. Williams
Lyric Theatre Bldg.

PASCAGOULA

Sidney F. Beck, Jr.
Watts Bldg.
W. E. Belt
Box 666
James A. Bowlin
Box 1392
Raymond L. Brown
Box 787
John F. Bryan, III
Box 174
French Caldwell
Box 149
James H. Colmer
Box 787
Daniel Costello, Jr.
Box 1547 Eastlawn
Arvis V. Cumbest
Box 361
Donald W. Cumbest
Box 11
William B. Dorsey
345 Watts Avenue
Guy Calhoun Faggard
Box 214
Herbert D. Farrell
Box 622
Henry A. Fly
Box 792
Charles W. Ford
Box 100
J. I. Ford
Box 100
Lester C. Franklin, Jr.
Box 641
E. M. Galloway
306 Canty Street
H. W. Gautier
Lawyers Bldg.
John D. Gautier
Box 52
George W. Howell, Jr.
Box 149
Albert S. Johnston, III
Box 1087
William B. Jones
207 N. Magnolia St.
Clinton E. Lockard
Box 427
Kenneth W. Martin
Box 1458
O. L. McLeod
Box 609
Carl A. Megehee
Box 787
Roland J. Mestayer, Jr.
Suite 404
Pascagoula-Moss Point
Bk. Bldg.
B. C. Moore
Box 1056
Joe A. Moore
Box 161
Robert Holmes Oswald
Box 175
Merle F. Palmer
Box 59
Willard L. Richardson
Box 214
Ernest Ray Schroeder
Delmas Ave.
Harold M. Seamen
605 9th Street
George M. Simmerman
104 South Pascagoula St.
D. J. Simmons
Box 217
L. A. Watts
Box 244
Karl Wiesenburg
Box 26
Edmund A. Wilson
Box 415

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C. Randall Jones, Jr.
Box 283

PETAL

Gilbert F. Heinbaugh
Box 261
H. B. Lingle
Box 695

PHILADELPHIA

Herman W. Alford
Citizens Bk. Bldg.
J. K. Gillis
J. B. Hillman
Bk. of Philadelphia Bldg.
Walter Rayford L. Jones
Box 337
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410 North Pine St.

BROOKLEY AFB, ALA.

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Hq., MOAMA-CMR
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Off. Stu. Det., A.L.S.

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Maj. Thurman H. Hillman
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Thomas M. McNeely, Jr.
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661 Jackson St.
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c/o U. S. Embassy
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University of Florida
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Box 61590
J. B. Brumfield
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Gravier Bldg.
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800 The California Bldg.

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E. K. Correll
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Jones H. Hoskins
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William L. Koerber
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WESTWEGO, LA.

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BATH, MAINE

Charles B. Doyle, II
Box 267

PARKTON, MD.

Robert P. Roberts, Jr.
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KANSAS CITY, MO.

Stanley M. Cox
1221 Romany Rd.
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1433 E. 76th Terrace

KENNETT, MISSOURI

James C. Bullard
203 College Ave.

WHITEMAN AFB, MO.

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C. J. Elsea
518 S. 88th St.

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705 Winston Dr.

McGUIRE AFB, N.J.

Major Lloyd L. Martin
4546 Falcon Courts N.

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Charles A. Evans, Jr.
Box 285

PERTH AMBOY, N.J.

Lee A. Stricklin, Jr.
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ALBUQUERQUE, N.M.

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James F. Cisek
32 Pulaski St.

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Office of the Staff
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40 Washington Square South
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Box 372, APO 12
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A. B. Murphey, Jr.
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Hugh G. Rowland
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CLEVELAND, OHIO

Alfred E. Corey
14592 Lorain Ave.
Apt. D-207

COLUMBUS, OHIO

D. P. Newton
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